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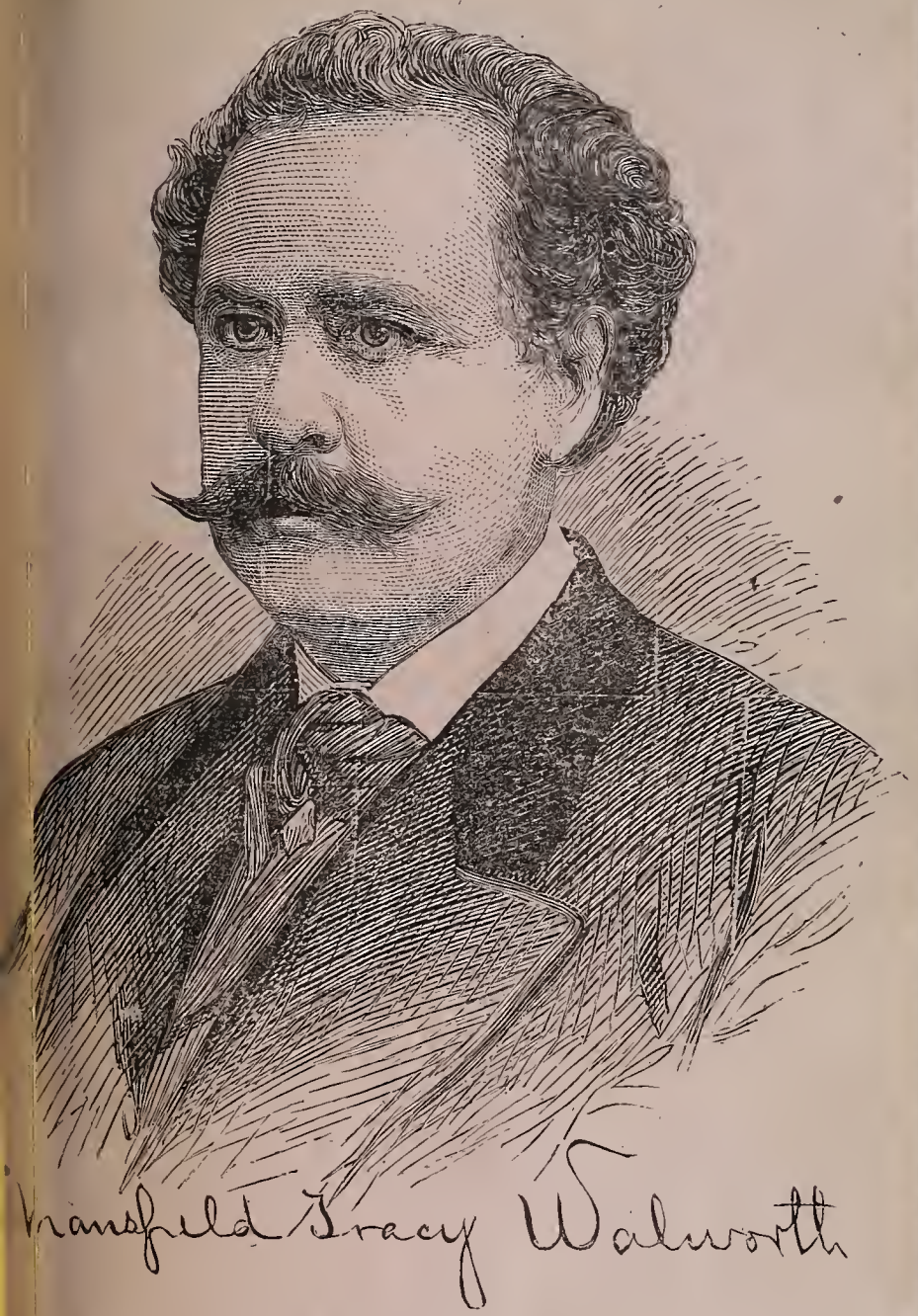
IE WALWORTH PARRICIDE.



Mansfield Tracy Walworth

FULL HISTORY OF THE MURDER OF MANSFIELD TRACY WALWORTH, BY HIS SON, FRANK H. WALWORTH, WITH THE TRIAL, CONVICTION, AND SENTENCE OF THE PARRICIDE.

THOMAS O'KANE, PUBLISHER.

130 NASSAU STREET, NEW YORK.

ADVERTISEMENT.

The following pages tell the melancholy
oy of one of the most remarkable events
our times—the story of a young man, not
enty years of age, coolly shooting his father.
rought up in the midst of the refinements
modern society, and surrounded by all the
dvantages that tend to advance men in so-
ia life, if not in morals also, his fearful
ime sadly illustrates how unfortunate circum-
ances may warp the human judgment, blind
he moral sense, and lead to the perpetration
f deeds that make us stand aghast with hor-
or

THE WALWORTH PARRICIDE!

A FULL ACCOUNT OF

THE ASTOUNDING MURDER OF

MANSFIELD T. WALWORTH,

BY HIS SON,

FRANK H. WALWORTH,

WITH THE TRIAL AND CONVICTION OF

THE PARRICIDE,

AND

HIS SENTENCE FOR LIFE TO THE

STATE PENITENTIARY AT SING SING.

THE WALWORTH PARRICIDE.

I.

THE PARRICIDE.

The morning of Tuesday, the third of June, 1873, the people of New York were startled by the news of one of the most remarkable murders ever perpetrated in the city. Though long accustomed to read in the papers of almost every morning, details of some new and unheard-of crimes, such tragedies as that which marked the morning of the third of June have been so rare that it gave rise to a general feeling of amazement, and caused an expression of horror to escape from the lips of almost every resident or sojourner in the city. In many years there has not been, in the United States at least, any very remarkable instance of a murder of a father by his own daughter. There have been in the city of New York, within the past seven or eight years, some three or four cases of fratricide, a score of uxoricides, several fratricides, and hundreds of homicides, but none of the parricide—at least none that has been determined to be such.

Since the day of the Fisk murder indeed such excitement has been seen in the city of New York over any single event. The eminence of the family, the reputation of the murdered man as an author, and the peculiarly horrifying circumstances of a son killing his own father, gave the affair an appearance of sensationalism which was justified by the facts. It was a true sensation, not simply washed, and the startling circumstances no pen could overdraw. Those who read felt that the people of New York were to be edified by another *cause célèbre* in which the facts were more revolting and terrible than any for many years. From mouth to mouth the story passed, and was soon known all over the city. At the various hotels, in the many lobbies, little else was spoken of, and it engaged the deepest attention. In front of the Sturtevant, inquisitive crowds would occasionally collect and gaze into the empty hallway with that singularly idiotic stare which crowds possess.

Of all the crimes that shock the souls of men none has ever been held in greater abhorrence than parricide. To conceive that the offspring should become the slayer of the parent is fearful under any circumstances, but when the offense is committed with intent and knowledge, its enormity is intensified a thousand-fold. It was a crime punished by the ancients with awful rigor and held in the deepest detestation; and, according to mythological record, the culprits were delivered up to the torments of the Furies. Œdipus slew his father Laius as they chanced to meet in the way, while the son was journeying to Phocis, and the avenging Fates followed him thereafter with misfortune, disgrace, remorse, and cruel tortures to his death. Orestes, too, the son of Agamemnon and Clytemnestra, slew his mother to avenge the death of his father at her hands, and to blot out her adulterous shame, and he likewise was tormented by the Furies, though afterward purified by the people of Argos.

In all ages the offense, considered in proportion to the aggregates of murders, has been comparatively rare, and in the majority of these instances the deed has usually been the result of anger, accident or mental aberration.

The circumstances of the murder of Mansfield Tracy Walworth by his son, Frank H. Walworth, renders this tragedy one of the most remarkable of the present

or any past period of our history. At about 3 o'clock, on Monday afternoon of June 2d, a tall and slim young man, with frank and winning large blue eyes, a smooth face, fair complexion, light whiskers and refined features, and dressed in a light tweed suit, and a spring overcoat, applied to Mr. Barrett, the clerk at the Sturtevant House, for a room. He registered his name Frank H. Walworth, and was allotted room No. 267 on the second floor. Afterwards he went to the house where his father was boarding, in Fourth avenue, near Fifty-fourth street. His father was not at home, the servant girl informed him, whereupon he left with her the following note:

3 o'clock.

"I want to try and settle some family matters. Call at the Sturtevant House after an hour or two. If I am not there I will leave word at the office.

F. H. WALWORTH."

The servant girl promised to give the note to his father. He then left, and went back to his hotel. Later in the evening he spoke with Mr. Barrett, who had had a previous acquaintance with him, and the two young men took supper together. During the meal Walworth appeared cheerful and unconstrained. The two gentlemen conversed on ordinary topics, and both ate heartily. Mr. Walworth retired to his room early.

At a quarter past six on Tuesday morning a tall, robust gentleman, middle aged, erect and fine looking, entered the Sturtevant House and asked that his card, on which was the name Mr. M. T. Walworth, might be sent to the room of Mr. Frank H. Walworth. The call boy took up the card, and after knocking twice was answered by Mr. Frank Walworth, who told him to ask the gentleman to wait, as he was not dressed. A few minutes after the call boy had descended with this message the bell of 267 rang. The call boy hastened up stairs, and on knocking at the door was told to enter. He did so, and saw Mr. Frank Walworth fully dressed, with his overcoat on, seated in a chair clos window.

"Ask the gentleman to come u room," he said.

The hall boy departed, and on d his message, Mr. M. T. Walworth a the stairs accompanied by the boy, him the way.

The boy says that he had barely get down stairs and look arou when he heard the report of a pis lowed by another report, and still

In a few moments Mr. Frank W came running down stairs, and the desk said to the clerk:

"I've just shot and killed my f stairs in my room."

The clerk was first bewildered horror stricken.

"Get a policeman as soon as y said Walworth. "I wish to giv up."

He then, through the telegraph the hotel, at once sent a despat uncle, C. Walworth, at Albany: shot father; look after mother."

He then went to the Thirti police station, and advancing to where Sergeant Keating was in said:

"Officer, I've just shot and k father at the Sturtevant House."

"I'm sorry to hear it," said the S thinking at first that the self-accus be insane.

The Sergeant called an officer him to take charge of the young m other officer was sent to the St House to ascertain the truth of t and on his return with the dread firmation, the facts were formally on the record. The young man g to the Sergeant a small Colt's five with four of the barrels discharged

"That," said he, "is the pistol him with."

At half past ten Coroner Young Marsh arrived, and Walworth g followiug statement in reply to t ner's queries:—

"I reside with my mother in San

aving parted from her some years
y father is an author, and I have
s dying law. I think my father is
irty-one years old, but do not know
e was born. My father has not
ith my mother since we left here
yrs ago, but he has repeatedly sent
rtening and insulting letters. It is
hort time ago since he threatened to
y mother and myself. I shot him
s of this. Not long ago I met him
treet in Saratoga, and I then told
h if he did nor keep away from us,
ued my mother any more, I would
n. I also told him that there were
s which I would not allow any man
eyond with impunity, especially
y mother was being insulted. I
this house yesterday and left a note
it to call on me, which he did this
r. When he came into the room I
o a revolver and told him to prom-
at he would not threaten or insult
ore, which he promised. Shortly
vd we began speaking on family
r and he used some very insulting
a and put his hand in his pocket
u to draw out a pistol, when I shot
e then came towards me and I fired
o er shots at him. When I fired the
h he had me by the collar. I only
is on account of the effect it will
o my family. I would like Judge
u to know this, as he was interested
se before."

e he had answered the Coroner's
o Walworth sent the following des-
t Chicago:

ARDIN, 162 La Salle street, Chica-
o —
o father this morning.

F. H. WALWORTH.

e rter of the New York *Sun* obtain-
i erview with young Walworth, and
e following as the conversation
u eurred:

o r—What led you to this dreadful
?

l th—Family troubles. It's been
for some time, and the story is a
or

Reporter—When did you come to the city?

Walworth—I left Saratoga yesterday, and arrived here at a quarter of three in the afternoon.

Reporter—Excuse my asking the question (here the prisoner looked hard at the reporter and smiled. His smile is very sweet), but did you come here with the intention—why did you come here?

Walworth—I came here to do what I have done.

Reporter—When you arrived here what did you do first?

Walworth—I went straight to my father's boarding-house, on Fourth avenue, near Fifty-second street.

Reporter—You did not find your father in?

Walworth—No; but I had prepared a note, which I left for him.

Reporter—When your father entered your room this morning what passed between you?

Walworth—I took out my pistol and pointed it at him. I said, "I want you to promise that you will not threaten to shoot me or my mother any more."

Reporter—What did he answer?

Walworth—He said, "I will promise not to do so."

Reporter—What did you do then?

Walworth—I said, "Will you promise that you won't insult me or my mother any more? In the past you have done it with impunity, but you cannot do it any more."

Reporter—And what was the reply?

Walworth—He said, "I won't trouble you any more." Then I said, "you have broken your promises many times before. I am determined you shall keep them this time." Then I shot him.

Reporter—Did he offer to defend himself?

Walworth—The last shot I fired he was close up to me.

The venerable Judge Barbour was holding a court in the Superior Court, No. 2, when one of the counsel stepped up to him and informed him of the killing of Mansfield Tracy Walworth by his son. Judge

Barbour immediately gave way to an emotion he could not control. He leaned his head on the desk for a few moments and then said:

"Gentlemen, we will adjourn the Court for to-day."

He then tottered down the steps, so that he had to be helped out of the court room. He immediately took a coach, and, going in search of ex-District Attorney Garvin, went in his company to the Sturtevant House, where he asked for the "boy." When told that he was a prisoner at the Twenty-ninth precinct station house he asked where it was, and immediately repaired there. He entered the police station at one o'clock, accompanied by ex-District Attorney Garvin.

After a few words with Captain Burden, they were admitted to the prisoner's cell. Judge Barbour merely looked at the prisoner and immediately quitted the cell without speaking. He walked up and down the station while Mr. Garvin was conversing with the prisoner. Mr. Garvin was occupied with the prisoner nearly half an hour.

Mr. William A. Beach, while in Court in the morning, also received a telegram from Saratoga asking him to take the case of Frank H. Walworth in charge, and await the arrival of his mother, Mrs. Ellen Harden Walworth, who was expected to arrive in New York in the evening.

Soon after the interview with Mr. Garvin, Frank Walworth was removed to the Tombs. Officer Malony, who went with him, asked him several questions in regard to the murder, but he refused to say anything. He smoked his segar and spoke about the squares and streets which they passed and his having forgotten most of their names.

"I have seen a great many murderers," the officer told a *Herald* reporter, "but I never saw one who was so cool. s just as much excited as you are now."

Walworth reached the prison between half past two and three o'clock. He was attired in a suit of light colored spring clothing, and had also a spring overcoat of a light color and texture. He ha the appearances of a prisoner

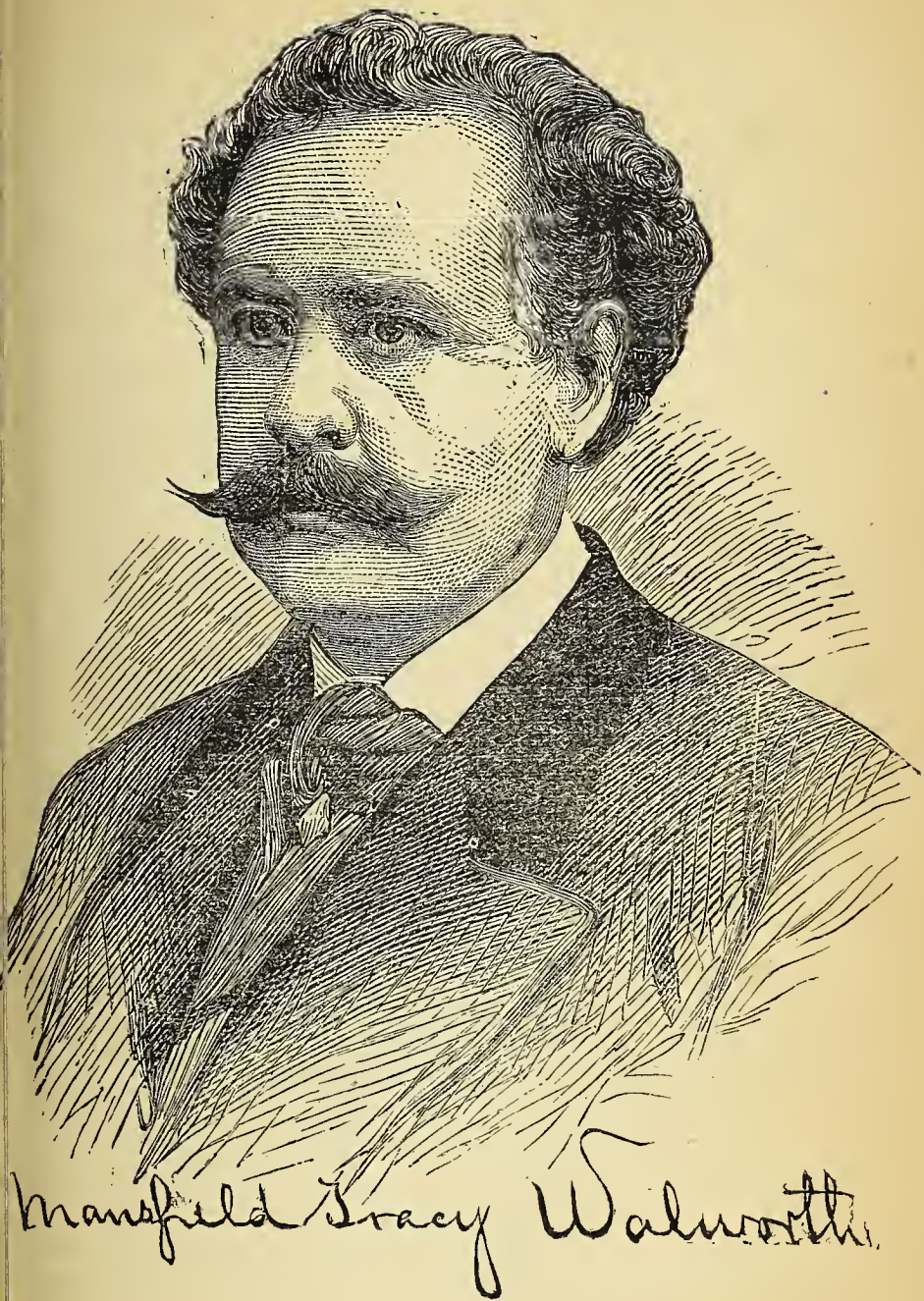
"You might say he came d himself," said a keeper. "He v free and quiet in manner. Ther excitement about him, and I tell rare thing to see a man come in he and offhanded as he did."

The prisoner was duly registe clerk at the desk, and in a minute passed through the grated doors w to shut him out from the world. with a quick, thoughtless pace th prison yard, walked into the m building and the clanking iron leads up to the first iron gallery ridor was opened for him. In tw more the door of cell No. 67 was him, and he stepped inside wi hesitation, being obliged to stoop tered in consequence of the lown doorway. This cell is on the no of the corridor, on the rear or side, and was furnished simply and stool, the bed being provide ordinary prison clothing. The then closed on him

After an interval of about an worth was removed to cell No. southern wing of the corridor, same tier. This brought him neighborhood of the notables w "Murderers' Row," and his fellow on the same block of habitat Sharkey, Scannel, King, and s subjects of sanguinary fame. I also the furniture was of the sa description.

When left alone Walworth to light overcoat and sat down on able bed, alone with his though six o'clock he sat on the bed, deeply, but in no wise depressed He made no requests to the pris for food or extra pharapherna candles being the only things him.

Shortly before six o'clock wrote a series of eight questio prisoner, which were conveyed one of the keepers, with a requ



Mansfield Tracy Walworth.

objectionable, he would make either written or verbal reply.

Then the keeper presented the questions, together with the reporter's personal card, Walworth was seated on the bed. Without signing he listened to the keeper's explanation of his visit, then took the paper, read the questions and the name on the card, and handed them back to the keeper saying:

"Will you please tell him that I cannot answer any questions, as I am advised by my counsel not to hold any communication with any one."

II.

AT THE STURTEVANT HOUSE.

Immediately after the shooting, the greatest excitement prevailed in the Sturtevant House. The room adjoining that in which the tragedy was enacted was occupied by Mr. Morehead. He was aroused by a shot, instantly followed by a shriek of murder—a shriek so loud and terrific that it chilled and almost paralyzed him. A second shot and second shriek, not loud but full of appalling agony, rang out and echoed through the corridor. A third shot startled the horrified listeners—for by this time a score of guests stood at their open doors with bleached faces and quaking forms. Then there was a heavy thud and silence!

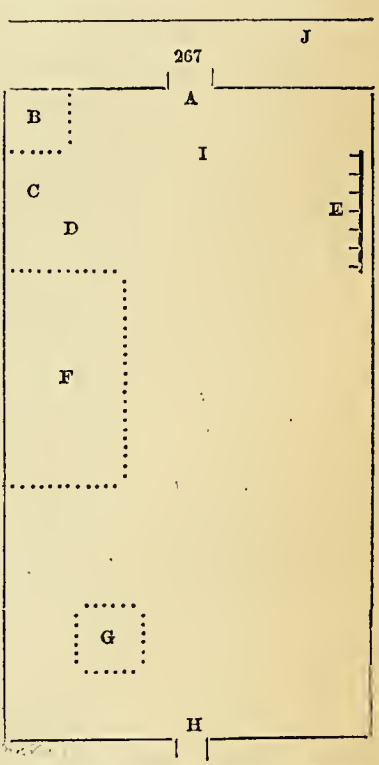
Soon the door of No. 267 was opened, and a young man, wearing a light overcoat and Alpine hat, stepped into the corridor, closed the door after him, and rushed towards the staircase, down which he disappeared. The alarmed guests re-entered their rooms, and dressed hurriedly.

As soon as the young man reached the clerk's desk and uttered the words, "I've shot and killed my father," the night watchman, the steward, and the bell boy rushed up stairs, entered the chamber, and catching one glimpse of the horrible truth, precipitately retired.

The watchman hastened to Mr. Louis Clark's room and aroused him, informing him that a man was shot in 267, but that he still breathed. Mr. Leland told the man to run forthwith for Drs. Childs and Mulford.

On Mr. Leland's descending he went, accompanied by the watchman, to the fatal room. Mr. Morehead joined them, and pushing open the door, Mr. Leland entered, followed by Mr. Morehead. The two men stood with suppressed breath and whitened lips, gazing first at the awful spectacle at their feet and then at each other with mute horror. The watchman grasped the door with his trembling hand, and fastened his distended eyes upon the hideous sight.

There, stretched out upon the floor, with the head against the washstand, lay the lifeless form of a strong, hale, handsome man, in the prime of life. One hand was thrown over his forehead, the other lay by his side. The following diagram exhibits the scene of the murder:



A. Door to room where the murder took place.
B. The washstand.
C. The spot where he stood when the fatal shots were fired.
D. Place where he fell, with his head resting in a pool of blood.
E. Hat rack.
F. The bed where the murdered man was placed immediately after death.
G. Stove.
H. Window.
I. Spot where the son stood when he shot his father.
J. Hallway.

Blood was on the face, the hands, and hair. The marble top of the washstand was covered with clotted blood, the murdered man having probably leaned upon it while his lifeblood was ebbing away. There was also a quantity of blood which had trickled down the wall. But more singular than this, there was also a quantity of blood on the opposite side of the washstand, about three feet away, where it had apparently spurted, some being congealed on the surface of the marble and a quantity being in a still liquid condition under a glass on the further side of the washstand. The soap dish was half full of blood, as was also the toothbrush dish, which had mingled with the soap into a kind of frothy foam. Where the murdered man lay, there was a large quantity of blood, probably several quarts, which had run through the carpet for a space of about two feet in diameter. A towel also lay on the floor, saturated with blood. Along the carpet over which the dead man was carried to the bed there were spots of blood. A black hat, surrounded with a three-quarter mourning band, was picked up and hung on a peg.

Dr. Mulford and Dr. Childs examined the body simply to satisfy themselves that the man was dead. They found a pistol shot wound in the right breast, another in the left breast near the heart, another in the left arm, and another under the right ear.

One of the doctors who attended on the murdered man said that when he went up stairs to room 267 he found Mr. Walworth was not yet dead. He was lying on the floor with his head on the carpet and gasping. His pulse gave one or two pulsations when the Doctor took his arm in his hand and then stopped completely. Blood was gushing from the wound in his left breast and from his arm. He died in about a quarter of a minute after the Doctor went into his room. He was shortly after placed upon the bed. The Doctor says that when young Walworth was brought into the room he reported the conversation between him self and father as follows:—

Walworth the Son (standing before his father)—You have again written to my mother threatening both her life and my own. Will you solemnly promise ne make such threats again?

Walworth the Father—I do make promise.

Walworth the Son—You have also rep the insult made to my mother. D promise to never use insulting langu my mother again?

Walworth the Father—I do make s promise.

Walworth the Son— (drawing the re and pointing it at his father)—You made that promise before, and I do n lieve you. You shall never have the tunity of doing so again.

And then the firing took place, wit moment's interval of hesitation.

When Coroner Young arrived at th the undertaker was sent for. At abo o'clock the undertakers' wagon, from & Benedict's, in Carmine street, dr to the door of the hotel. The large i fin was then taken up stairs and th was speedily placed in it, just as i The whole thing did not take mor fifteen minutes, when the box, with it freight, was again placed in the which rapidly drove away. When undertakers' establishment it was d and washed and placed in a preservi fin. The face bore an expression o suffering; the lips were slightly parte the wound in the forehead plainly s the terrible death he had died.

III.

HIS LAST NIGHT ON EARTH.

Mansfield Tracy Walworth, sp last evening on earth with his friends i third street, between Lexington an Avenues. He was in the habit of frequently during leisure hours at th of ex-Alderman Tuomey, who keeps stable in the locality, and from w would frequently take a horse and to drive. On Tuesday night, abo

nine o'clock, he came on his quiet, mary visit, and he and Mr. Tuomey d around the corner to the door of Dr. ht's drug store. The ill-fated man more gloomy, more reserved and more to pensive thought and dreamy reflec- han usual.

"We were together at the door of the store," said Mr. Tuomey, "and re- ed there until nearly ten o'clock. He Valworth) spoke as usual about his writ- for he generally showed me the stories he had written and called my attention priucipal strikiug features of them. I him how many hours he devoted to ng each day, and he replied, 'About .' 'Without any recreation?' 'Oh, he said; 'I take the remaining hours creation, and look after the publica- of my writings in the meantime.' "We hatted," continued Mr. Tuomey, "over st concert of the Maenuerchor, a Ger- musical association organized by the g men of the neighborhood, with whom Mansfield associated a good deal, fre- ing their clubs and entertainments, y whom he was not only well thought t almost revered, for his gentle and e disposition and his kindness in very writing notices of their concerts and arties. To all this he referred only in et, indifferent manner last evening. as often five and seven minutes with- eaking, and it struck me he was more y and troubled than he ever before red. He was always amiable in cou- iou and most gentlemanly to all. He ot an intemperate man, but would ntly take a quiet drink, sometimes aud often in our company. He s looked neatly dressed, yet there something in his countenance which adowed the man with mystery, and s, perhaps, on this account that he d on certain occasions slight traces of ation, I do not say from drink—it ave been from secret troubles or con- writing or reading. He was about eet nine inches high and weighed one hundred and ninety pounds, and d a few of us, a short time ago, that he was between forty-one and forty-two years of age. His deportment was always gentlemanly. He used to walk across here by Fifty-third street almost every evening in a sad, pensive manner. In conversation he was more of an observer and thinker than a conversationalist. He took the last glass of beer with me—it was a glass of root beer—in the drug store. He had been asked to drink several times afterward and before, but he refused. He seemed enveloped in thought for a long while. He had possibly his son's letter in his pocket, and was deliberating over what was best to be done. He never spoke to me of his family. He mentioned something of his father at one time, but so brief and indistinctly that we never thought over it. There was always something mysterious about him, though he enjoyed and took part in a joke as well as others. We, of course—I mean Drs. Laber and Kirscht, Mr. Robinson and myself—knew him during the past couple of years, and enjoyed his refined conversation and acquaintanceship exceedingly. We attributed his quiet, characteristic, and I might add unfathomable manner to those peculiarities which are generally noticed in men of talent, consequently we neither knew his feelings, nor did we think there was any occasion to interpret them. He was fond of retirement and loneliness to a great extent. He told me he spent a pleasant afternoon in Jones' Wood, and that he enjoyed the cool breeze of the groves very much, and that, although he was not exactly fatigued, he felt somewhat dull. He brought in the paper generally to me on which his late story has appeared. In the last chapter you can see he almost predicted his own death, and the last words of it are very singular, and savor of some prescience of his unhappy fate."

Mr. Robinson, a gentleman resident in the neighborhood of Fifty-third Street and Third avenue, said that Walworth on Monday evening chatted very freely with him. He said, "I asked him to drink some root beer, but he would not. He only drank that one glass he took with Tuomy. But I'll tell you what he did. He recited some

beautiful lines of poetry, I forget them now, and repeated them very feelingly. I know the last words; they were, 'Beware, take care.' He said these words twice before he left us, but we didn't mind him, at least I didn't, and then he said 'good night' and went out and turned the corner up towards Lexington avenue."

IV.

THE NEWS IN SARATOGA AND CHICAGO.

The news of the murder was rapidly spread by the telegraph throughout the country, and everywhere created the most profound sensation. Where the persons connected with the tragedy were known, the excitement was painfully intense.

In Saratoga the report of the shooting spread like wildfire. A crowd gathered about the telegraph offices, and excited comments were made on the affair. The news was conveyed to Mrs. Walworth by W. B. French and D. F. Richie, friends of hers. They called together and found her engaged in her school. They broke the sad intelligence, which shocked her at first, but she soon recovered and expressed concern for her boy, requesting her informants at once to telegraph to Charles O'Conor and other legal friends to aid in defending him.

It was stated that Mrs. Walworth had no intimation whatever of the tragedy further than this:—On Monday she found that Frank, her son, had left home, leaving word that if he was not home to tea he would not be back that night. On going to his room Mrs. Walworth found a couple of empty envelopes lying on the table, addressed to her son in M. T. Walworth's handwriting, but found no clue as to whither he had gone. It is said, however, that young Walworth told Mr. W. Barbour, his confidential friend, that he was going to Troy. He said nothing about going to New York, and until the news of the shooting came to Saratoga, his whereabouts was unknown to his mother or friends there.

In chicago the news of the sad and c ordinary tragedy created great excite when it became known who were the tives of the actors in the affair.

Mrs. Walworth, widow of the Chanc and stepmother of the deceased, had in that city for several months, residi the Grand Central Hotel, the guest c son. She immediately left Chicag Saratoga, to care for and share the s ings of her daughter, as only a mother and was so overwhelmed with grief th was scarcely able to go.

V.

IN THE TOMBS.

Not since the memorable day succe the shooting of Colonel Fisk has there so much excitement around and abou Tombs as there was on the 4th of n The cause of the unusual rush of vi was to see young Walworth; but in desire all, with the exception of a few mate friends, were disappointed. Th fortunate boy sat in his lonely cell it Tombs, but showed no signs of a dro ing spirit. The prisoner ate his meals it regularity, and conversed rationally it the keepers of the prison whenever n duties called them into his cell.

About half past ten o'clock a closed riage drove up to the entrance of the T and Judge Barbour, accom anied by a wearing a heavy veil, alighted from it passed in. The lady was Mrs. Walwo She appears to be about thirty-eight of age, and much of the beauty wh her youth made her so much admired remains.

Mark Finlay was present at the mee between the mother and son, and he s was most affecting. There were no shed. Theirs was not the grief that vent in weeping. The mother embr the boy; the embrace was returned for nearly a moment not a word was sp on either side. There was no extraord

n ion, and each probably felt that grief u for the present be laid aside and the ei reality looked in the face.

Te conversation which took place be- ven them was, of course, private; but oug Walworth could be seen gesticulat- gnd talking in a very animated manner. rs Walworth eagerly watched him, and c ionally at some remark of his would d smile; but she was frequently over- n by some reference of his, and dropped r ead upon his hands.

J lge Barbour remained in the prison for o half an hour and then drove away, avig Mrs. Walworth with her son. She mned with him in the prison for eai two hours, and then, bidding the boy long farewell, she left.

M Charles O'Conor also called during e ty, as did Judge Garvin, and both of erhad interviews with the prisoner.

M Beach visited the prison, and had a nrsation with the boy in the morning.

T prison officials said that the bearing ying Walworth was brave and undaunt- al they strongly sympathized with him.

T re were several young men admitted rig the day, friends of the prisoner, one tm from Saratoga. They were admit- d d remained for some time.

B the advice of counsel, Walworth re- se to converse about the murder or see y rangers or reporters.

Mr his visit to the Tombs, Mr. Garvin id a *Herald* reporter that he had seen s ient and counselled him to be very ti nt of speech; to refuse steadily to i erviewed, and to keep himself iet "In reference to interviewing, as is called," said Mr. Garvin, "several ws per men have sought to obtain per- issi n from me to see the prisoner for the ur e of 'interviewing' him. I have nifonly refused it. What can a man in s p ition say that is of any value to any- dy He is in a state of mind that makes is tements utterly irresponsible." As th tragedy itself, the cause of it, the lati s of deceased to his wife and chil- ren, Judge Garvin declined to say any- ing

Mr. O'Conor was also called upon, "You had an interview" said the reporter, "with Mr. Frank H. Walworth this morning at the Tombs, I presume, Mr. O'Conor. How does he seem to bear it?"

"Bravely and quietly, with a calmness that is certainly remarkable. There is not the slightest indication of fear and scarcely of sorrow."

"Is not that a strange condition for a young man placed in the circumstances in which he is?"

"Not so strange as it might seem at first sight. It is the soldier spirit and blood that are in him. General Hardin was a fine soldier, as brave as Julius Cæsar; he was killed in the Mexican war. This boy has much of his grandfather's spirit in him, and shows that he has in his present very serious position."

VI.

THE POST MORTEM EXAMINATION.

At eleven o'clock on Wednesday morning Coroner Young and his Deputy, Dr. E. T. T. Marsh, proceeded to impannel a jury at No. 60 Carmine street, and make a post mortem examination in the case of Mr. Mansfield Tracy Walworth.

Coroner Young empannelled and swore in the following named gentlemen to act as jurors in the inquest:—John V. Reynolds, foreman, attorney; Thomas C. Knox, physician; John B. Gilman, agent; F. C. Senior, undertaker; Jotham Clark, retired; Ferdinand A. Eibell, livery.

Deputy Coronor Marsh made a post mortem examination on the body, assisted by Doctors Finnell, O'Hanlon, Knox, S. J. Clark and others, which lasted nearly two hours.

The following is a report of the autopsy made by Dr. Marsh and those associated with him:—

A pistol-shot wound of outside of the left arm, one-quarter of an inch in diameter, was found four inches below the acromion

process; another of right side of face, one quarter of an inch in diameter, close to and on a line with the lower border of the ear, the skin around the wound, for a distance of two inches, being blackened and filled with powder; a similar wound of the left side of the chest, three and a half inches to the left of the median line of the body and six inches above the nipple, on a direct line, the edges of the wound being ragged and ecchymotic; also a pistol-shot wound of the right side of the chest, half an inch in diameter, situated one and a half inches to the right of the median line and two inches below the nipple. The direction of the latter wound was downwards, backwards and to the right; that of the face was on a straight line toward the left a distance of four inches.

On opening the body the left side of the chest was found to be filled with fluid and clotted blood. The ball on this side of the chest entered between the second and third ribs, passed through the upper lobe of the left lung, and was found imbedded in the body of the second dorsal vertebræ. The ball which entered the right side of the chest struck and fractured the sixth rib, and then glancing it passed to a point four and three-quarter inches from the point of entrance, where it was found imbedded in the muscles of the chest. The ball which entered the right side of the face in its course fractured the lower jaw at its angle, and also the upper jawbone, and lodged in the left side. The ball which entered the arm shattered the upper portion of the humerus and lodged in the biceps muscle.

All of the internal organs were examined and found to be healthy. Death was due to shock and internal hemorrhage from pistol shot wounds received—the internal hemorrhage resulting from the wound of the left side of the chest. All the bullets found in the body were round ones. Had deceased lived it would have been absolutely necessary to amputate the left arm at the shoulder joint. The wound necessarily fatal was that in the left breast. Deceased possibly might have recovered from the wound of the face, as the brain was uninjured by the ball; the bullet in the face not removed, as it would have necessit great disfigurement. There was trouble experienced by the physician tracing the fatal bullet on the left si the chest.

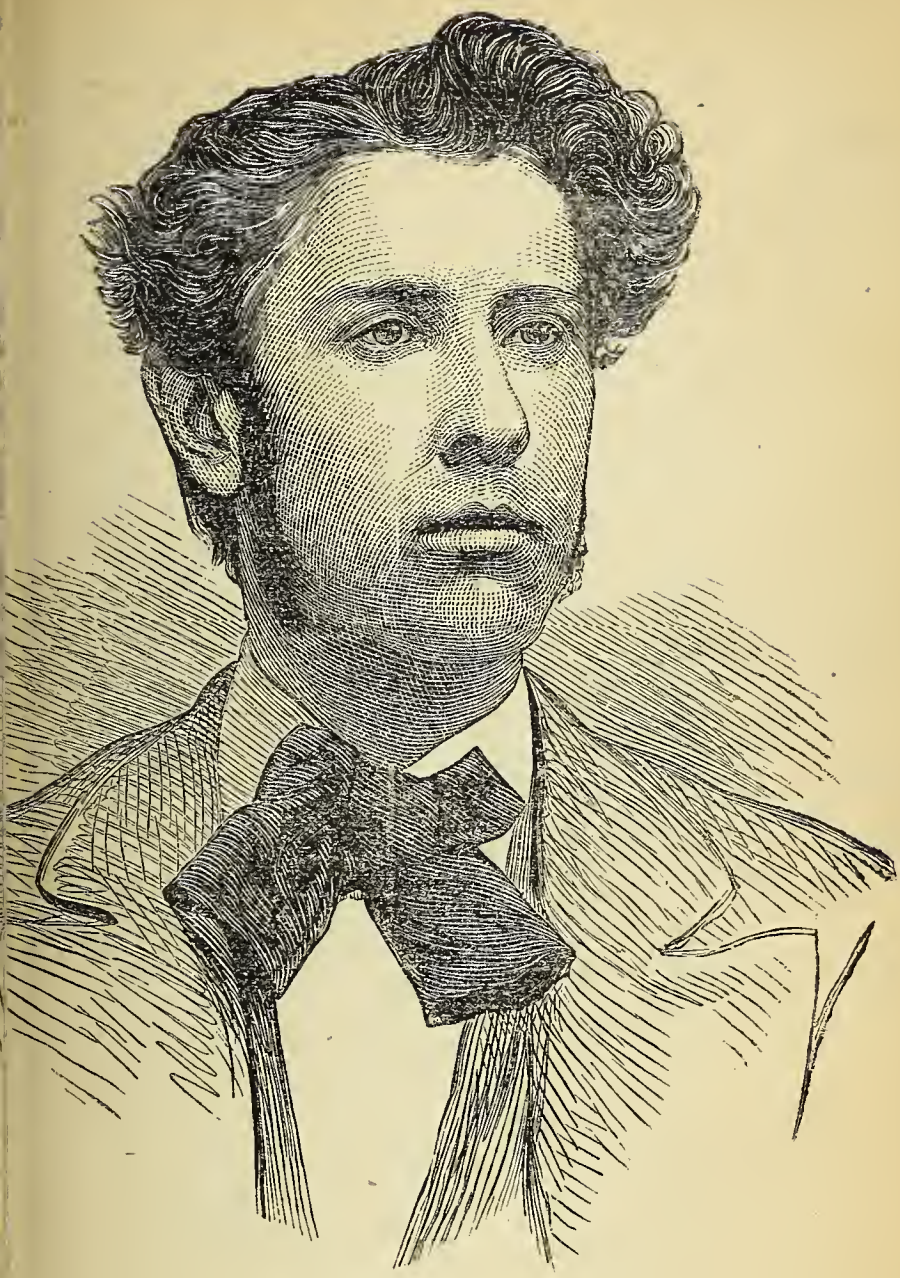
VII.

THE FUNERAL.

The body of Mansfield T. Walwort at the undertakers' in Carmine Street the day of the tragedy until the F morning following. On Wednesday Thursday an officer was stationed in of the undertakers' store to keep o crowds who had previously blocked t pathway and obstructed travel.

On Friday morning preparations made for the removal of the remai Saratoga. The coffin bore an inscri giving the name of the deceased, wit date of his birth and death. He was in 1830, and at the time of his deatl forty-three years of age. His face, th somewhat disfigured and decomposed presented many traces of the manly l for which in his early days he had celebrated; and an idea could be fo looking at him cold in the coffin, immense muscular power and activit bouquet had been placed upon the and a beautiful wreath of tuberoses p the coffin. Though the deceased h ostensibly died in the profession Catholic religion, none of the re services of his church were held up occasion, the only ceremony over t mains being a short and impressive p which was offered by the Rev. Jame low, of the first Presbyterian chu New York.

At the conclusion of the servic body was placed in a handsome hea removed to the Grand Central dep left New York by the eight o'clock tra accompanied by Mr. Clarence Jen nephew of Mr. Walworth.



FRANK H. WALWORTH.

Walworth had left New York on
day evening for Albany by the steamer
People's line. She left New York
purpose of attending the funeral.
remains reached Saratoga by the 3.10
rain. When the train came in there
great crowd at the depot.
large pine box containing the coffin
orpse having been conveyed from the
car to the hearse, the funeral cor-
roceeded to the cemetery. There
bout a dozen carriages in line.
Holmes, undertaker of Saratoga, had
of the burial. The bearers were
W. Hill, L. Varney, P. H. Cowen.
French, H. B. Peters, John Foley,
. Putnam, and William C. Barrett.
carriage immediately following the
contained Mrs. E. H. Walworth, the
Father Walworth, the Rev. Mr.
of Schenectady, and Tracy Wal-
the youngest brother of Frank, a
eleven.
carriages contained relatives both of
eased and of Mrs. E. H. Walworth.
remains were interred in the Wal-
plot in Greenridge Cemetery, situ-
st in the suburbs of Saratoga. The
about twenty feet square, and is
ded by an iron picket fence, firmly
ed in a granite foundation. It is
on the highest point near the cen-
the cemetery, and on a side hill
abruptly to the north. It is beau-
shaded with large, old pine trees.
centre of the plot is a massive granite
ent, broad, but not high, on the
nd south sides of which is the sim-
e, "Walworth," in bold relief. On
t side is the inscription: "Reuben
Walworth; died 29th of November,
ged 79." On the west front is this
ion, "Maria K. Averill, wife of R.
Worth; died 29th of April, 1847,
."
s quiet spot, sacred to the memory
ancelor Walworth, and for so many
e last resting place of the remains
first wife of that able jurist, the
of "Warwick" and "Beverly" and
domestic misery was buried.

The services at the grave were short and simple. They were conducted by the Rev. Dr. Camp, of the Episcopal Church, and he was silently attended by the Rev. Mr. Newman, of the Presbyterian Church, both of Saratoga.

During the religious service the plot was occupied by the relatives both of the dead and of the living. The widow, holding her youngest son by the hand, leaned upon the arm of the Rev. Father Walworth, brother of the deceased, and her mother, the venerable widow of the late Chancellor, was attended by O. L. Barbour, Esq., of Saratoga. Mrs. G. M. Davison, of Saratoga, a sister of the deceased, leaning upon the arm of her husband, stood in the midst of her fine family of children. There were also members of the family of O. L. Barbour, and a few other relatives of deceased present.

The tone of the funeral was distant, but not cold. Other than a respectful bearing and a mournful silence, there were no manifestations of grief. The only thing which relieved the sombre solemnity of the occasion was a wreath of white flowers, slightly intermixed with green leaves, which rested upon the coffin box, and which was deposited in the grave with the corpse.

So ended the closing scene in the life of Mansfield Tracy Walworth, returning a corpse, murdered by the hand of his own son, to the spot where his childhood and youth were passed, and where his father long lived, known and respected by all.

VIII.

THE CORONER'S INQUEST.

THE inquest concerning the death of Mansfield Tracy Walworth, was held on Friday, June 6th, in the Thirtieth street Police Station. Half past ten was the time fixed, but the inquest was not begun until twelve o'clock. Coroner Young, Deputy Coroner Marsh, District Attorney Phelps

and the jury were punctual, but the prisoner was absent. Two officers had been dispatched to bring him up, but there was no appearance of them either. Eleven o'clock came and half-past eleven, and still there was no appearance of young Walworth, and the crowd of people who were awaiting his arrival were scattered through the station house and on the street, eagerly looking for him. The delay seemed so strange and unaccountable that many persons thought something serious had occurred, and, to allay their anxiety, Coroner Young telegraphed to the Sixth precinct station house to ascertain the cause of the delay. An answer soon came, saying that the prisoner had left the Tombs in charge of two sergeants, and was on his way up. Precisely at twelve o'clock there was a rush made towards the room where the inquest was to be held, and it was announced that young Walworth was coming. In a minute after a coach drove up, and from it there then alig- ted the prisoner, in charge of Sergeant- .llins and Keating, Mr. Charles O'Conor and ex-District Attorney Garvin. Every eye was fixed upon the youth as he approached, but he appeared cool and unconcerned. He walked into the station house with a careless, jaunty walk, and took a seat at the table beside the coroner. He is only nineteen years of age, but looks somewhat older.

The jurors answered to their names as follows: John B. Gilman, agent; Thos. C. Knox, physician; John B. Reynolds, attorney; Frank C. Senior, undertaker; Jotham Clark, retired; and Ferdinand A. Eibell, livery stable keeper. The Coroner reminded them of their oath in a few words, and then at once proceeded with the investigation.

It was seldom that such an array of talent could be seen at a Coroner's inquest as gathered together at this one. Dist. Att. Phelps represented the State alone; but for the prisoner there appeared Charles O'Conor, who occupied a seat beside his unhappy client, Mr. Garvin and Mr. Miles A. Beach.

The morning was beautiful and bright before the inquest opened, but the into the dark tragedy had not proce when the sky suddenly became o and vivid flashes of lightning pe into the room, accompanied by thunder-claps. The rain poured torrents, and the room became so d gas had finally to be lighted. It by many that there was something tious in the angry elements, and t certainly in consonance with the tale of parricide which was give jury by the witnesses.

All through the investigation the remained sitting in the same positi times drumming upon the table fingers, and occasionally whisperin O'Conor, who was eagerly watch ease as it proceeded. He paid attention to whatever Mr. O'Co and eagerly complied with his wish.

While one of the witnesses, M head, was detailing to the jury wh heard on the morning of the mu by direction of Coroner Young, i in a rather dramatic manner, by his hands, the intervals which to between the shots, the prisoner s be slightly agitated, but the feel only momentary and soon passed a

One of the witnesses, Mr. Ba cashier of the Sturtevant house, appeared to testify, shook the pr the hand, and seemed very much

There was very little interfer counsel on either side, but Mr. once or twice took exception to t of Dr. Marsh as they were read, to have alterations made.

It was expected that the inqu occupy only a couple of hours, not conclude until nearly five o'cl

After the witnesses had been ex jury retired. They did not remain ten minutes. When they had ret taken their seats the Coroner as the usual questions. The prisone carelessly at them and seemed p concerned as to what their deci be.

eoreman of the jury, Mr. Reynolds, slightly tremulous voice, read the following verdict:—

"We find that Mansfield T. Walworth came his death from a shock and internal hemorrhage, the result of a pistol shot wound of the chest, said pistol having been discharged at the hands of Frank H. Walworth, at the Sturtevant House, New York, on Tuesday morning, June 3, 1873."

The coroner then, amid breathless silence, addressed the prisoner. He said to him:

"The first four questions I have to ask you are matters of form; the fifth one I shall ask you you are at liberty to answer or not as you please."

Walworth looked calmly at the Coroner and nodded his head.

Coroner—What is your name?

Prisoner—(in a firm, sweet, clear voice) Frank H. Walworth.

There was a flutter of excitement in the room as he was speaking, and every one seemed to pressed forward to hear what he might say.

Coroner—What is your age?

Prisoner—Nineteen.

Coroner—Where were you born and where do you reside?

Prisoner—I was born in Saratoga and resided there.

Coroner—What is your occupation?

Prisoner—I have none at present.

Coroner—The question I now ask you may answer or not as you please. What do you know of this case?

The prisoner consulted a moment with his counsel and then said in a calm voice: "I am guilty of no crime. I wish to make a statement."

He then pulled a paper from his pocket and read his statement in a firm tone, pausing now and then to allow the reporters and Dr. Marsh time to write it down. His coolness was extraordinary. The following is the statement:—

"My father treated my mother very cruelly for years, incensed against his own brother for putting his little share of the property in trust, so that my mother and family got something out of it. My father kept writing letters to my mother full of imprecations against his father. He wrote to her, among other things:—'I will kill your boys and defeat the damned scoundrel in his grave and cut off his damned name forever.' He also threatened my mother's life, and spoke of shots being suddenly heard, from his resentment. About three years ago he beat my mother cruelly. I was not present, but I saw the marks. When I heard this I loaded a pistol belonging to a cousin of mine, and have carried it. I supposed my father was armed, at least when he intended to see us. My uncle, Clarence Walworth, has been as a father to me. He recently proposed to take me to Europe with him. I was troubled about leaving my mother without a protector. On Sunday last I wrote thus to my uncle, and that I must go and see my father, and whether I would go to Europe or not would depend upon that interview. In fact, I wanted to get reliable assurances that he would not molest my mother during my absence. I had no intention of killing him. When he came into my room I asked him to sit down; he did so. I spoke to him of his conduct and said, 'Promise me that you will neither threaten my mother nor insult her or any of the family any further.' He answered me, 'I promise,' but with a look which to my mind implied contempt, and the reverse of an intent to keep the promise. He had just before put his hand up to his breast, as if to pull out a pistol. I am unconscious of having fired more than three times. He closed on me rapidly. His grasp was upon me when I fired the last time. I do not think he said anything during the whole interview except what I have stated."

When the prisoner had concluded the reading of this extraordinary statement he folded the paper up and put it in his pocket again. The reading produced a most painful impression in the crowded room, and there was quite a revulsion of feeling against the prisoner, who so coolly spoke of taking away a father's life in what seemed to be, from his own statement, such slender provocation.

When he had finished reading the Coroner said:

"Frank H. Walworth, I will commit you to the Tombs to await the action of the Grand Jury."

Mr. O'Conor then said, "I suppose we are done to-day, Mr. Coroner," and then the crowd filed out into the street. The prisoner, in company with his counsel, walked to the door, escorted by a policeman, and took a seat in the carriage, and was rapidly driven to the Tombs.

IX.

THE INDICTMENT.

On Monday morning, June 9th, the Grand Jury of the Oyer and Terminer filed into their seats in their room in the County Court House at half-past ten o'clock. Shortly after meeting and while transacting some minor business the District Attorney sent into the jury room the papers relative to the Walworth case. The Grand Jury immediately gave the case its exclusive attention and the witnesses were called. The examination did not take more than two hours in all, after which the sentiment of the Grand Jury was taken, and it was found that the jurymen were unanimously in favor of an indictment for murder in the first degree. The bill was then ordered to be made out.

The following are the names of the members of the Grand Jury which ordered this bill: Charles Patrick (foreman), Sam. W. Millbank, Edgar Wright, Francis Endicott, Samuel Sproulls, William L. Vandervorst, Sylvester W. Comstock, William Clarkson, James T. Tailor, James A. Hearn, William J. Blair, Courtlant Schuyler, Frederick Ward, Theodore Martin, Edmund D. Saxton, Jesse Oakley, George Hurst, Jonathan L. Hyde, William S. Corwin, Henry M. Laher, Elisha Brooks, Edward S. Snelling.

On Wednesday morning, June 11th, Judge Ingraham opened the court of Oyer and Terminer, acting as presiding judge in the temporary absence of Judge holding the current term of the The court room was crowded in an tion of the arraingment of Walwort great anxiety was manifested to s prisoner. By direction of the D Attorney, Walworth was early co from the Tombs in a close carriage ar some time previous to the opening Court was detained in Sheriff De private office. When brought into he took the seat to which he was mo by the Sheriff's deputy with an air greatest unconcern. He conversed and with ease with his counsel, ex Garvin and W. A. Beach, and wit other who chose to address him. He ed to listen anxiously to the song court crier as he formally opened t ceedings, and next directed his gaze ly at the District Attorney as he mo the cause.

The District Attorney arose, and l at the indictment, said he desired the prisoner plead.

Clerk—Prisoner, stand up. You dicted for murder in the first de having caused the death of Mansfiel Walworth. Do you demand a tria you guilty or not guilty?

Prisoner—Yes, sir (meaning he dem a trial).

After some remarks by counsel, Walworth, wearing the same air o turbability, was ushered from the re reconveyed to the Tombs, follow curious crowd.

X.

THE TRIAL.

The trial of Frank H. Walwor menced on Tuesday morning, J 1873. The Court of Oyer and was filled with citizens, from wh to be sifted twelve men to try the p Among the friends of the prison the Rev. Dr. Backus, of Schenectady in-law or Chancelor Walworth;

l, brother of Mrs. M. T. Walworth; Cn. James Lorimer Graham. Young wrth was escorted in by Sheriff Bren- d Deputy Shields. His bearing was d haughty as ever.

r. O'Conor entered with solemn and e ke tread. He was accompanied by l ender lady, draped in deep mourn- Beside her walked a pretty boy, with h hazel eyes, and a fair, intelligent The lady was the prisoner's mother. g Barbour and Father Clarence Wal- t were present during part of the

entire day was consumed in securing ar The following gentleman were ct l:

seph H. Horton, 25 John street, l .

eob A. Chamberlain, 519 West rt third street, provisions.

mes Wm. Tucker, 226 West Twenty- th reet, machinist.

hn P. Bell, 210 East 113th street, nb

ernard Campbell, 203 East Forty- th rect, retail butcher.

hn Henry Lewis, 673 Greenwich et gilder.

ijah H. Purdy, 43 West Thirteenth et sash maker.

m. H. Dougherty, 62 James street, nd y.

m. C. Smith, 61 Perry street, 'd .

Vm. Hart, 294 Monroe street, mar-

Charles E. Millbank, 13 East Twenty- rt street, brewer.

George W. Wright, 16 University ee grocer.

Aft consultation with the District or y and counsel for the defence, lg Davis said that the jury would be ow l to go home for the night to make an ments for the future. The Court ed on their integrity that they would a ow themselves to be influenced by t g said outside, and if any one ul approach them with a view to in- n their action in this case, they must report the person to the Court for punishment. He hoped that the press would refrain from comments during the trial.

Court opened at ten o'clock on Wednesday morning. There was an unusual rush for seats at the opening of the Court, but, with the special instructions which had been given, perfect order and quiet was observed during the proceedings. The prisoner was brought in, in custody of the Sheriff's deputies, at half-past ten, at which time his counsel and the prosecuting officers were already in their places. Walworth was exceedingly self-collected, but had an anxious appearance. His mother, deeply veiled and clad in mourning, sat beside him during the day. His grandmother and several other ladies, also in mourning, were present and seemed deeply interested in the proceedings.

Mr. Rollins, Assistant District Attorney, presented the case for the prosecution, addressing the jury at considerable length, and minutely detailing all the circumstances of the shooting. He alluded to parricide as a "crime so revolting to nature that many nations had considered it impossible. The Persians had no penalty for parricide, for they did not believe that a Persian would commit such a crime. Among the Chinese the whole family of a parricide was exterminated, and his very dwelling place razed to the ground."

Mrs. Eliza Simms was the first witness called, and testified as follows:—I live on Fourth avenue, between Fifty-fourth and Fifty-fifth streets; Tracy Mansfield Walworth roomed with me two years; I saw the prisoner on the second of June, about three P. M., about the time the children got home; he asked me if Mr. Walworth was in; I went and looked and he was not in, and I so told him; he said, "Tell Mr. Walworth to come to the Sturtevant House, his son wants to see him;" I asked him if he was his son; he said, "Yes;" I told him he had better write a note and I would give it to him; he wrote a note and I put it on Mr. Walworth's table; I never saw Mr. Walworth after I put the note on his table; the prisoner had on a

light overcoat and was cool and polite. There was no cross-examination.

Hooper C. Barrett, clerk of the Sturtevant House, testified:—I had known the prisoner at Saratoga; I saw him on the second of June; I sent him up to No. 267; I talked with him about Saratoga affairs; no allusion was made to his father or his purpose in coming; about an hour later he came down and went out; when he came in he asked me to take dinner with him; I told him I would take supper with him; I saw him again about seven P. M.; I was at the counter; we took supper together at eight o'clock; his manner was his usual manner as I had known it at Saratoga; I next saw him at half-past six next morning; he came to the cashier's desk and said, "I have shot father;" I said, "You don't mean to say that;" he said, "Yes, I shot him four times, get a policeman;" I sent a boy out to get a policeman; he didn't find one, and I telegraphed for one to the district telegraph office; I had seen Mansfield Walworth that morning; he spoke to the night clerk and asked for Mr. Walworth's (prisoner's) room; the night clerk asked me and I told him the number of the room; he went up with a boy; I did not notice the bell of 267 being rung; I did not notice the bell of 268 rung violently; the prisoner came down not more than two or three minutes later; No. 268 was Mr. Ebert's room; the prisoner's manner was cool; he dictated a telegram to C. A. Walworth, Albany, stating, "I have shot father, look out for mother;" he spoke to me as a friend; that was the first intimation of the killing I had.

Cross-examined—To Mr. O'Conor—I was half-an-hour with him at supper; I did not see him take dinner; he asked me to take dinner with him when he first came in; I remember the ringing of the bell for room No. 268 and his coming down were very near together, but I can't say how near; he handed me $7.10; he took it out of his pocket and handed it to me; I don't remember in what bills they were; he said, "There's money I think that will pay my bill; you take charge of it;" I don't know that he had any other money; I have him about two years; I made his ac tance when visiting Saratoga; I ju reached the hotel about half past because there is a train coming in half an hour before that time, and i about half an hour to reach the h sent the telegram through the teleg the hotel; I don't know what they d the messages; it was addressed to Walworth, Chapel Street, Albany.

William H. Amos (colored) testi am bellman at the Sturtevant House; on duty from a quarter of five in the ing to midnight; about six o'clock third of June a gentleman came hotel; he spoke to the clerk, who me and gave me a card; I carried it room No. 267 and rapped twice door; I said, "I have a card wit Walworth's name on it;" just as I the door opened and I saw Mr. Wal face and hand; he said, "I am not "I'm not dressed;" I went down a them the gentlemen would be dow few minutes; I waited some time; t of No. 267 rang; then I went up knocked; Mr. Walworth said, "Co I went in; he was sitting by the w and said, "Show the gentleman went down and showed Mr. Walwo the prisoner was still sitting by the w I didn't see the prisoner rise; I sa Walworth step to the corner of t stead and I turned and went out; I s prisoner again in not less than five than ten minutes after; he was down stairs, not very fast but live went up to Mr. Barrett; I did n what was said by him; Mr. Barrett me to go for an officer; I went up an the street a little way, but couldn any, so I came back; as I turned to some one said, "Quick as lightni don't know who said it; Mr. Barr the prisoner were the only ones p when I got back a messenger b there.

To Mr. O'Conor—I was engag Saturday evening previous, and w duty Monday, June second; I notic

closed upon me rapidly. His grasp was upon me when I fired the last time."—*See Page* 37.

ri ner on Monday; he looked as if he
d been travelling, and his boots were
dus; he shook hands with Mr. Barrett;
on't remember particularly the time
wh I carried up the card the next morn-
ng I can't say whether the prisoner was
rced or not; I only saw his face and
ars; Mr. Walworth said nothing to me,
t when he went in he turned round and
gav me a look, as if he wanted me to leave
he oom; it was a kind of frown; he did
not look as cross as you (Mr. O'Conor) do
now (laughter); he looked as if he wanted
me to leave the room: I suppose he shut
the oor.

Jiah Morehead testified—On the morn-
ing f June second I occupied room 266 at
the turtevant House.

Q. Did you at any time on that morning
hea the noise of a pistol shot? A. I did.

Q. What time was it? A. Very near
hal past six.

Q. What happened—what did you hear
and ee? A. I saw nothing; I heard a knock
at door; then I heard, "Here is," or
"Here is a card for you, sir;" then some
litt time after I heard a door either open
or ut, and a very short time subsequently
I h rd a shot; then another after about
the ength of time a man would take to
coc aim, and fire a pistol; after the
sec nd shot I heard a cry of murder in a
ter ied voice; almost immediately I heard
a th d shot and a second cry of murder;
the in quick succession a fourth shot;
the I heard some person running, as I took
it, rough the entry; I did not leave my
bed until after I heard the fourth shot;
the I jumped out and dressed, and got out
to the hall; I saw the housekeeper and Mr.
Do tle, the steward, I think, in the hall;
I wh them made search to ascertain the
cau of the firing; we looked in the bath-
roo and one or two rooms, then I opened
the oom next to mine and looked in; I saw
the ody of a person lying partially upon
the loor; this was from ten to fifteen
min tes from the time I had left my room:
I w s not able to distinguish where the
sho proceeded from; I thought it was up
sta ; I looked into the room, then I
backed out, and said, "My God! here he
is!" I said, "For God's sake send for Dr.
Child's;" the body was lying upon the left
side, the head a little elevated against the
washstand.

Q. After hearing the door open and shut
did you hear anything? A. Not a word;
heard no noise or altercation and no move-
ment; had heard people speaking in the
adjacent room on previous occasions, but
on that morning heard nothing at all.

Charles M. Doolittle testified—I rose at
six A. M., and called some girls at twenty
minutes past six A. M.; about five minutes
after that I heard a shot; I was then on the
landing of the floor on which No. 267 is;
was on the main staircase; I think I heard
more than one shot, but I didn't count
them; all were fired within a minute, as
quick as a man could cock a firearm and
point it; when the shots were fired I heard
a human voice; whether it was a cry of
murder or a groan of pain I could not say;
when I was opening the doors I heard the
annunciator ringing; there was a very brief
interval; I think Mr. Barrett was the first
man who told me of the killing—in the
presence of the prisoner; I then went di-
rectly to No. 267; I did not go in; I saw
the body; I went for a Coroner.

Dr. Russell Childs testified—I am a physi-
cian; I live at the Sturtevant House; on
the third of June I was summoned to room
267, it must have been near seven; nearer
than half-past six; I found a body lying on
the left side with its head against the wash-
stand; I felt the pulse; it was barely per-
ceptible; the respiration was very feeble;
the wash-basin had had water in it; blood
had spurted into the water already there;
under the bed was quite a pool of blood;
in a very brief space of time pulse and
respiration ceased; as he was evidently at
the point of death I did not move him;
from the wound in the temple there was a
slight oozing; afterwards I examined the
body, but not very thoroughly, as I knew
there was to be a Coronor's jury; several
assisted me in placing the body on the bed;
a portion of the clothing was removed, and
a slight examination of his pockets made;

we found a card; I had been long acquainted with Chancellor Walworth, and my interest in the family induced me to go and see the grandson; he gave me a telegraphic dispatch to his grandmother in Chicago; I showed it to the sergeant; I believe he handed it back to me; I took it to Mr. Barrett at the hotel.

Stephen Keating, sergeant of the Twenty-ninth Precinct, testified—I saw the prisoner at a quarter to seven A. M.; he said he had shot his father, and wished to give himself up; he drew a pistol from his pocket and said, "This is the pistol I shot him with;" it had one undischarged cartridge; I asked him if his father was dead; he said he must be, the last time he shot him he was very near him; I asked him why he did it; he said he had not lived with his mother for a long time, and had threatened to kill his mother and her children; I asked him when he last saw his father; he said not since last fall; I asked him whether he had any disturbance with his father that morning; he said no; he showed me his left hand; the back of it was scratched or raised, and he said it was burnt with the powder; we took away from him a pocket knife; he said, "Do you think I would commit suicide? You are mistaken."

Sergeant Washington Mullen testified—I went to the Sturtevant house with Dr. Mulford and searched the pockets of the deceased; I found a note and some keys; I was present at the Coronor's examination; he stated as follows:

Mr. O'Conor here interrupted, claiming that to admit in evidence the examination before the Coroner, in view of the fact that the statement was made while the prisoner was in custody, and without the usual and proper warning, and merely preserved orally, was a most dangerous innovation.

The Court held that at present it appeared only as a voluntary statement.

Mr. Beach examined the witness, who stated:

This was in the station house. I introduced the Coroner as the Coroner. He had no writing materials that I know of. When he said he had been studying law the Coroner said, "Well then I suppose you what is right." That is all I remem a preliminary nature.

Mr. O'Conor said that this was ex the exception which the law refus hear.

The Court held that the mere intr tion of the Coroner as the Coroner gav conversation no official character, an mitted the evidence. (Exception.)

Witness resumed:

The Coroner asked him why he ca New York; he answered, "To do t the Coroner said, "To kill your fat he answered, "Well to settle this fa difficulty."

Coroner Nelson W. Young was called nd testified to the holding of the inques the statement there made by the pris (page 37.)

The result of the post mortem exa tion was then given in evidence, (page 1) after which the prosecution rested.

Mr. Beach at 3:30 p. m. opened the for the prisoner, and occupied an hou a half in his address to the Jury. Du the entire day the prisoner had rem calm and collected, but as Mr. Beach ceeded in a pathetic manner to descrih wrongs Mansfield T. Walworth, who h pronounced a demoniac fiend, had inf upon his wife and children, the pris feelings gave way, and dropping his in his hands he seemed deeply affected. A the conclusion of Mr. Beach's addres court adjourned, the jury being allow separate.

The Court opened on Thursday and was soon filled to a jam with spectators. There was quite a number of ladies pre Many of them were old stagers in the ur der trial like of spectators, two of having attended, it is said, every m ler ease held in this city during the past years. Immediately behind the cou there were several lady friends of the Walworth family, some of whom had been subpœnaed to attend, and others of them having come merely to give testimony by their presence to their friendship for the prisoner and his mother.

Augustus Ebert was the first witness examined for the defence, and testified that on the morning of June 3 he had occupied room 268 in the Sturtevant House, which was immediately adjoined that in which young Walworth was; he heard some loud talking, was not fully awake until after the first shot; he could not distinguish any of the words used, and heard no cry of murder; on hearing the shot he had jumped out of bed and pulled the bell violently.

To the District Attorney—I was very much excited at the time; the only words I could distinguish were "hope," "mother," "sir," but could not make out any connected sentence.

Clarence T. Jenkins testified that he was a nephew of the deceased; lived in Albany; had charge of the effects of M. T. Walworth.

Rev. Jonathan T. Backus, brother-in-law of deceased; *Mrs. Ann Eliza Backus*, sister of deceased; *John M. Davidson*, brother-in-law of deceased; Chief Justice *John M. Barbour*, *Joseph W. Hill*, a lawyer of Saratoga in whose office the prisoner was studying law, *John R. Putnam*, a lawyer of Saratoga; *Wm. C. Barrett*; a Justice of the Peace at Saratoga; *Anson M. Boyce*, of Saratoga; *Otto Von Lellcau*, principal of the boys' boarding school which the prisoner had attended up to May last, all testified to the prisoner's good character. Most of these witnesses testified that he had no vices, while some seemed to regard him as immaculate. None of the witnesses were cross-examined. The District Attorney simply asked the pertinent question of each, "Do you know that he was in the habit of carrying a pistol during the past three years?" To this every one replied in the negative.

Clarence A. Walworth, a Catholic clergyman, testified—I am the eldest son of Chancellor Walworth; reside at Albany; that is the original will of my father (document shown him); the executors are Dr. Backus and myself; Mansfield T. Walworth and I were the only two sons of the Chancellor; his daughters were Mrs. Jenkins, Mrs. Davidson and Mrs. Backus; I have known Frank Walworth from his infancy; his character is as near perfect as may be; during this spring I entertained the project of travelling abroad, with the view of remaining some time; spoke to Frank's mother about his going with me, and alluded to it the week previous to June 2; received a letter from Frank on this subject, enclosing another letter; received them in the afternoon of June 2; Frank's letter is dated "Sunday, 1873;" the letter enclosed is in the handwriting of Mansfield, the deceased; before I received the letters I got a telegram from Frank's mother saying that Frank had gone from Saratoga, she feared, to meet his father; on Tuesday, June 3, I received a telegram from New York saying that Frank had shot his father three times.

To Mr. Phelps—I did not know that Frank was in the habit of carrying a pistol.

Thomas E. Dennis, telegraph operator, identified the following telegram sent by Mr. Barrett at the instance of the prisoner.

New York, June 3, 1873.

C. A. WALWORTH, Chapel street, Albany:—

Have shot father three times. Look after mother. FRANK WALWORTH.

Hooper C. Barrett recalled, stated that that was the telegram he wrote at the direction and in the presence of the accused.

Mrs. Ellen Hardin Walworth was the next witness, and being sworn said:—I am the mother of Frank H. Walworth; was married to M. T. Walworth in St. Peter's church, Saratoga Springs, in 1852, on July 29, and resided at the Chancellor's house, which my mother now owns; lived there until the summer of 1861; the Chancellor's family and my two brothers resided in the house at the same time.

The witness then gave the names of her children, with the dates of their birth, as follows:

Frank H., born, August 17, 1853.
John Jay, born October 19, 1855.
Bessie, born November 2, 1856.
Nellie, born November 3, 1858.
Clarence, born October 20, 1859.
Mansfield Tracy, born June 19, 1861.
Rubina, born February 19, 1867.
Sarah, born June 7, 1871.

Of these children John Jay, Bessie and Sarah died, the latter in 1872.

In the summer of 1861 I went to Kentucky, near Louisville, my brother Lemuel going with me, and all of my children; lived there until 1867; my husband did not go there with me; lived in Kentucky three years without seeing him; he did not remain in Saratoga when I went to Kentucky; he promised to meet me there; where he went I do not know; during the first winter he was in Washington, and afterwards in Saratoga; I had a country place three miles from Louisville, by means of which I supported my family; the Chancellor visited me there, and three years after I first went there my husband came to see me, and remained for about six weeks; I next saw him in Saratoga the following summer, and stayed there about a week; in the December following I saw him in New York, at a boarding house in Madison avenue; I came to New York to find employment, but not succeeding, went to Washington and secured an appointment under the government; I then gathered my children around me and put Frank at college in Georgetown; was eighteen months a government clerk, during which time my husband was with his brother, Clarence, at Albany; when I was discharged, owing to a change of politics, I went to Saratoga, to the family mansion, and opened a boarding house, and remained there until October, 1869, during a portion of which time my husband was with me, Frank being then in Louisville; at the urgent request of Mansfield T. Walworth I came to New York, to a house in Twenty-third street, belonging to a Mrs. Montross, all of my children being with me; the very day of my arrival I was taken ill, and continued so until taken to my brother's house in Buffalo; my husband did not go with me to Buffalo; soon after went to Kentucky, and the following summer M. T. Walworth followed and remained three weeks, after which he went to Saratoga; I spent the summer of 1866 in Saratoga; deceased was there for three months, and the whole family was together; then went back to Kentucky; deceased came there in 1867 and remained there until his father's de arrived at the Chancellor's just aft death, with my infant child, Rubin soon returned to Kentucky and brou my children except Frank back to ga: Frank stayed with his uncle L deceased was living with his brothe ence, and we discussed the questio future residence but came to no standing about it; in November, 1 went to my mother's house in Fifty- street, New York, Mr. Walworth with me, and we remained there un final separation on the 26th of Ja 1871 I then went with all my chil Judge Barbour, and since then he seen deceased; legal proceedings for ited divorce were commenced in the or Court on January 57, 1871, and 8th of April, 1871, a decree of sep was pronounced; on the 31st of July ing the decree was modified to all Walworth to see his children once a after I left Judge Barbour I went brother, General Hardin, at the H House; then went to my brother-l Clarence, at Albany; remained there weeks, and went to Dr. Backus, tak children with me; from there I went old homestead at Saratoga; have re there ever since with my children Walworth addressed me very freque letter after our separation; after I l my youngest child was born; being sic from its birth, died January, 18; Walworth never came near the ho never saw his youngest child; I d always receive his letters; for the fi or three months I did, but after that only occasionally that I received some of his letters never reached me was no male person in my house wh protect me except my son; Claren worth spoke to me on the Thursday the occurrence about taking Fran him to Europe; I told Frank of evening; he seemed gratified, but should think about it; on Friday I fishing with his younger brother to ga Lake; returned about six o'clock evening and ritired early; on Satur

s rranging his clothes, books and other irs and went swinging in the grove; on my he slept until late; some young els of his called in the afternoon, and e went to walk in the woods; he wrote eer on that day and asked me for some tpaper, which I gave him; on Monday oing I came down early, and seeing ak in the hall, said, "You are up rl;" he made some casual reply and went t e front door; I thought he had gone t Springs and at breakfast table asked i he did not return; some one said that e d gone away and left a message that if e is not back to supper he would not be on that day; I then went to his room, and l oking around found an empty envel- en the hand writing of M. T. Walworth; immediately telegraphed to Father Wal- on and to Judge Barbour; but could as- r in nothing about him, and then believ- l e had gone to Troy.

The envelope she found was produced. s postmarked, "May 30."

A recess was here taken, after which Mrs. Walworth again took the witness stand and identified a document which proved to be a stipulation modifying the decree of divorce, signed by her, and said she had a counterpart of it, signed by Mr. Walworth; she supported herself and children entirely by her own exertions, with the exception of about three hundred and fifty dollars received from the Walworth estate; while she lived with Mansfield T. Walworth he always carried a pistol. A pistol being produced, he said it originally belonged to a Mr. Adams, who is now dead, and which was given by Mrs. Adams to Frank to take care of some time in 1870, since which time he has had charge of it; the way I found my husband's letters had been kept from me was that Frank gave me a large package of his father's letters a few months after the separation under my promise not to read them; since that Tuesday, (the day of the murder,) I have found numbers of letters in Frank's secretary; I know he was advised to keep them from me; a few reached me. (Several letters were here shown her one by one.) This letter I have seen before; I know Frank saw it; it must have been received in August, 1873. (This letter was dated August 13, supposed to be in 1872.)

The following letter, written by the prisoner the Sunday prior to his fatal visit to New York, and received by his uncle in Albany on Monday, June 2, 1873, was then read:

SARATOGA, N. Y., Sunday, '73.

DEAR UNCLE—Mother told me of the invitation you extended to me to accompany you to Europe. Having only recently any desire to go to Europe, the invitation was particularly acceptable, and as I would have to leave her soon any way to attend the Albany Law School, I told her (on her intimating that you wished an answer "in the morning") that she might say I would like to go. I am of the opinion that it would be neither safe nor wise to leave her unprotected against father's acts. In fact, I do not think her situation is by any means a safe one as it is. I enclose a letter from father to her, which I received yesterday. I am going down to New York in the morning to try to see him, and I may add, without informing mother, for she would feel very uneasy. My trip will determine any question in regard to my going to Europe or anywhere else. I will be heartily sorry if I shall have caused you any trouble or expense. Affec. your nephew.

F. H. WALWORTH.

Mr. O'Conor then read Mansfield Tracy Walworth's last letter to his wife, and which she never received, it having been intercepted by Frank and afterwards sent by him to his uncle, enclosed in the letter above given. This letter (supposed to be of May 30, 1873, instead of May 3) is as follows:

MAY 3, Seven o'clock in the Morning.

Prepare yourself for the inevitable. I am getting over my wasting fever and shall be out of my room in a few days. I am going to call upon my children; my heart is starving for their caresses. Make the interview as easy and pleasant as possible. I cannot stay from them much longer. I will see them—peaceably if I can or with a tragedy if I must. Their little faces haunt me, as

they are mine. Popish cruelty must bend to the demand of a father's breast, or the Walworth name goes out in blood. Keep Frank Walworth out of my way. You have taught him to hate me, and his presence or obstruction in any way will only excite fatal exasperation. I want to see my little girl and come away peaceably. Beware that you do not in any way arouse the frenzy which you have known to exist since you left me. There is a reasonable way to deal with me. I shall have my rights under that decree, with no further legal delay or expense. I have conceded promptly every right under that decree, and now I am going to see my children, and you shall not bring them up to hate their loving father. Eliza Backus has written to me that you will do it if you can, from your associations with them, and then I shall shoot you and myself on those door-steps, for I have nothing further to live for. I am a broken-hearted desperado. I admit it. Save this letter for lawyers and courts if you please. God is my lawyer; not the remorseless, brutal god that you and Eliza Backus and C. A. Walworth worship, but that God who has planted love in my heart for my little girls, and that says to the tiger bereft of its young, "Kill!" You are an infamous wretch to keep me for more than two years from the little hands and hearts that love me. Your only excuse was my poverty and misfortune. When Frank refused to speak to me in the streets of Saratoga I said to myself, "She is teaching them all to hate a broken-hearted father." Then all is lost, and the tragedy must come. When I know from the conduct of my little girls that you have taught them to hate me, that moment two pistol shots will ring about your house—one slaying you, the other myself. I know that you have no personal fear, no more than I have, but we both must die when that discovery comes that you have estranged my young children from me. It is possible you have not done so, and you shall have your life. If my little girls do dot love me then life is valueless, and I shall die with a feeling of luxury and rest to come; but you will have to atten the spirit land. The God of just mands it. Therefore I say to you, d under that decree, then all may b but now my heart is agonized for m children. If you had common sen would know how to appreciate the

MANSFIELD TRACY WALWO

After some discussion by counse the admissibility of the letters identi this witness, the Court adjourned.

Upon the opening of the Court r Friday morning it was immediately c with spectators. Such eagerness to a sight of the prisoner and such an witness the proceedings were never evinced within the recollection of the court *habitue*. At no criminal trial has the attendance of ladies been so and they sat all day with heads cran ward with curiosity that never s Mrs. Walworth, the murderer's n came in promptly at ten, leaning arm of her husband's brother, Fathe worth, and the prisoner came in immediately after, and conversed chef and unrestrainedly with her unt "Hats off" of the Court Crier called tion to the important business of th Many of the friends and relatives prisoner's family were also present.

After argument by counsel, Judge decided to admit the letter of Aug 1 in part. He should strike out all was merely historical, however coar admit the threatening portion alon said that the late decision of the Cou Appeals (Stokes' case) seemed to p wider latitude, to engender a tendency liberality in the construction of th applying to this character of evidenc as there was a doubt, he should gi benefit of the doubt to the prisoner.

Mr. Beach took exception to the r so far as it excluded any portion letter.

The portion of the letter ruled out Court was also read at last, the Attorney consenting to have it go the jury with the rest.

following is the letter in full:

ATION HOUSE OF CARLETON & Co.,
UNDER FIFTH AVENUE HOTEL,
NEW YORK, August 14.

to these terrible words. They will how keenly and fiercely I feel the tion of Reuben H. Walworth's will, at a Scot, the descendant of King o, will do when all has been taken m. Reuben H. Walworth always ne from my cradle. He always ny one who was high spirited and speak out their thoughts. He al- ked cringing hypocrites, like Eliza and Clarence Walworth. Al- he saw my ambitious spirit he hated use it would not toady to his Yankees. Hence from my cradle euted me and headed me off in rsuit or speculation. I could not im in anything because I would not o him about his favorites. Every- at I ever rung from him, even my the Spike case, was rung from his The only reason that he did not name from his will altogether was respected my talents and hoped I drite his life. He knew nobody else But he has stung me into madness ken up my family by placing me in humiliating position of being under a and that trustee my brother, who her ambition nor heart. From his glares at me and says:—"Ha! ha! re always proud and high spirited, ny will I have put in your side a r life. You have no dignity under t will sting you to your grave. The s of my name who have any dignity ny will are your sons, Frank and who will bear my name to posterity."

llen Hardin, knowing that I am under that will, if you will persist year by year to see how much of st property you can get out of me ts of law, by personal blandish- to my trustees, or by any other if you doubt and will not see that I have something for my entire life, he intended me to or not, then hat will be the finale of my vengeance upon that dead scoundrel dog who has made me so pitiable before men and before you. I will—so help me the demons who wait upon the persecuted and the proud spirited and the revengeful—I will, when stripped by you of my property (and you mean it at last) plunge my dagger into Frank and Tracy's heart, and cut off the Walworth name forever. God d——n him, he has elevated them and degraded me, and you gloat over it. I have not one single firm right under his will. This you believe, and this has been the cause of your despising and abandoning me. With cold, calm purpose you contemplate my eventual beggary and humiliation. I will kill your boys and defeat the d——d scoundrel in his grave and cut off his d——d name forever. Now you just persecute me about that property, and keep this thorn alive in my heart, by the eternal God I will kill them and you too. Now you hunt my property any further —— ——, and I will kill your boys as well at you. The —— dead villian shan't rob me of wife, children and property. If I can't have anything, I'll have revenge. —— I have lost nearly everything which makes life tolerable.

(The letter is without signature).

The reading of this letter was listened to with the deepest attention and caused profound sensation. The mother and son sat apparently unaffected during the reading.

Mr. O'Conor then read the provisions of the will of Chancellor Walworth affecting his son Mansfield. His share is given in trust for the use of himself and family. Mr. O'Conor also read the decree of divorce dated February 7, 1871, providing for the separation of Mansfield T. Walworth from his wife Ellen T. Walworth, and for the maintenance of herself and children.

Mrs. Ellen Hardin Walworth then resumed the stand and her examination was continued by Mr. O'Conor.

Q. After decree of divorce when did you first learn that Mr. Walworth had any wish to visit or see his children? A. In the fall of 1872, I think in November.

Q. Had you known of this clause in the decree before that time? A. I had.

Q. Did you oppose in any degree his being allowed to see his children? A. I did not, I was willing that they might be seen in presence of their uncle, Rev. Clarence Walworth, upon a week's notice to my attorney.

Mr. O'Conor, after some preliminary questions, now asked whether any acts of personal violence had been committed upon her by her husband, while they resided in Fifty-second street, in 1871

Mr. Phelps objected, and Mr. O'Conor stated that they intended to prove that such acts were perpetrated, and young Frank came into the room at the time; that it had a very great effect upon him for a long time.

The Court—Do you intend to allege that he was insane when this act was committed?

Mr. O'Conor—We intend to allege that his mind was so affected that he was not sound at the time of his interview with his father.

Mr Beach we shall furnish evidence showing that the state of his mind was such that he was not responsible.

The examination was resumed and the witness said: My son was called in on that occurrence; it was about eight P. M.; it was about ten days previous to the separation, I had been subjected to physical violence, which compelled me to scream; my scream brought in Frank; he did not leave me till midday of next day: my husband remained in the room until next morning: I noticed in Frank a repitition of the peculiarities I had noticed four months before when I first indicated to Frank that his father had used personal violence to me; I showed a severe bruise on my arm; he showed extreme pallor, and I noticed a pinched look on his features expressing severe suffering, both mental and physical; it alarmed me so much that I did not, on his account, afterwards tell him; he was very quiet, and simply said "This must not be!" on this occasion, in January, as soon as I myself recovered, I noticed the same symptoms; when he came in he had his hand on his father's shoulder, and said, "Be quiet, father;" there was no further violence by his father; after the first occasion I rarely spoke to Frank of his father; we very spoke of him; on a few occasions the first few months when I was re Mr. Walworth's letters, I saw him them, and noticed some of the same toms each time; afterwards, when I to receive them, I frequently noticed symptoms without knowing the caus thought his health was affected; once him most violently affected, as I kne day by receiving the letter which read; I was called up by one of the cl saying "Frank is sick;" I went found him with his body rigid and this of which I have spoken; I applied su toratives as I could, and he shortly fe a profound sleep for an hour; I notic ilar symptoms on various occasio greater or less degree; he was before let him know about his father a ve joyous boy after that he was at time quiet and abstracted there was a n failure of his memory we used to la him as absent minded. he would go room for some article of dress to go come down without it; go down t forget his errand, and after locking house would go round to lock up sometimes two or three times; he v stracted at the table; several times s from his room woke me up and I wen door; his pillow was stained at times Frank the Monday he left Sarat noticed his extreme paleness then; his great paleness; when he was in t of abstraction he generally had a sa he was always courteous to others, i fore this he was lively; he was not su fits of anger; his character, so far as I was invariably good, both as to am and uprightness; there was nothing t vice, or, in the ordinary sense, an ir ity in him; he was always amiable a in the family, but not demonstrative; never in my hearing uttered any against his father; I mentioned to F occurrence which took place at the I House between his father and my br told him that his father had ente brother's room, while he was in b presented a pistol at his head while

;hat fact I had no personal knowl-
f it was stated to me.

'Conor produced four packages
ts written by Mansfield T. Wal-
hich were identified by witness
is handwriting. The packages
rked "Exhibits 9, 10, 11, 12,
d14," and were to be read in evi-
t the jury at another stage of the
d gs, unless the ruling of the Court
b adverse to their introduction. The
n ined 19 letters written by the de-
t Mrs. Walworth. The second ex-
o ained two small sheets of paper
r e envelopes wrapped around sev-
r ssion caps, balls, and a small quan-
f owder. The remaining exhibits
n bout the same number of letters
n Mrs. Walworth at another period
h brother, General Hardin, and Mr.
or's sister Eliza Backus.

O onor then asked Mrs. Walworth
ni the condition of her husband's

q stion was objected to.

O onor insisted that an important
nt estimating the condition of the
er mind was the condition of the
's ind, and these letters, not one,
ar, could hardly have proceeded
m ut an insane mind. It was with a
o ow a hereditary stain of insanity
es letters would be admissible.

Court in this view admitted the
on

W ness—I have seen him in his con-
o about very ordinary topics sud-
be n to talk upon some other subject
or himself into confusion, throw his
vio ntly about, and talk very violent-
d ry unnaturally; he wore a very
us pression, and when he did not
ith iolence toward myself he general-
en d his fury upon some object in
om perhaps a piece of furniture, and
ing e happened to have in his hand
ou break; I do not know that he
l ex end his fury upon any animal; it
in t summer of 1865 I first noticed
ry olent manner; it was in 1871 that
ly t him.

The Court here took a recess, after which the examination of the witness was resumed by Mr. O'Conor. She was asked to state the peculiar acts of violence on the part of the deceased, in reference to herself, as showing his temperament and disposition. The Court, doubting the propriety of this course of inquiry, it was suspended.

Q. Did you notice anything else peculiar about Frank after these spells? A. I noticed a peculiar flush of the face sometimes and spots over the upper part of the face at such times; when he came out of these spells it was with a start; on one occasion he fell and injured his head; that was when he was seven or eight years old; he was struck in his base ball club once and complained for some months after of his head.

A pistol was here shown.

Witness—I know this pistol; it was presented to the Chancellor by the inventor; he gave it to Mansfield soon after and he had had it ever since; he had another pistol besides.

Mr. O'Conor informed the court that the five barrels were loaded, and a court officer, by direction of the Court, removed the chambers. This was the pistol which had been found in the room of Mansfield Tracy Walworth.

This closed the direct examination, and Mrs. Walworth was cross-examined by Mr. Phelps. In reply to questions she said: I saw Frank's pistol in his possession two weeks before he left Saratoga; he used to keep it in his room; I had no intimation of his departure, on that Monday, until I received the message that if he was not back to supper he would not be back that night, but he was speaking of going. In reply to further questions as to the peculiar conditions of her son's health she stated that she noticed a certain rigidity of the limbs which would last perhaps half an hour.

Q. When did you last see Mansfield? A. From the time I left New York in January, 1871, I never saw Mr. Walworth again; his occupation was that of an author; his first book, written soon after our marriage, was "The Mission of Death," the next was "Lulu," then "Stormcliffe," and then "War-

wick;" he might have written another between "Warwick" and "Lulu;" then he wrote "Beverley" and "Delaplaine;" I remember there was an earlier one, "called "Hotspur," which came after "Lulu."

Mr. O'Conor, taking up a book, read from it a list of Mr. Walworth's works in the following order, and it was taken by the Court that they were produced in that order; "Warwick," "The Mission of Death," "Hotspur," "Lulu," "Stormcliffe," "Delaplaine," and "Beverley." It is in "Beverly" that Mr. Walworth is said to portray his own unhappy life and experience, or a large portion of it.

The witness further stated that she did not know how the two volumes of MS. of the late Chancellor's writings got into Mansfield's possession.

Clarence Jenkins was re-examined by Mr. O'Conor.

Q. You stated under examination, that you went to the room of Mansfield with the Coroner, to remove the articles there and take care of them. Did you find a loaded revolver? A. I went there on the Thursday before the body was removed from the city with the Coroner and Deputy Coroner Marsh, to get the clothes, and in the drawer we found the pistol loaded, and it has so remained; I called the Coroner's attention to it, and he examined it, and replaced it in the drawer, and locked it in, and it remained there until I took it; it remained in my possession until I gave it to you just now.

On the cross-examination by Mr. Phelps, the witness said: I am connected with the family; I went to get possession of the property under authority of Mrs. Walworth; I found a great many writings of Mr. Walworth in the room.

To Mr. O'Conor he said: The deceased occupied a single room in a tenement-house.

Mr. Amsden testified—I reside at Saratoga Springs; I am a gun manufacturer; I knew Chancellor Walworth quite well; I know Frank Walworth quite well; I have seen considerable of him for a year; we have been in the habit of playing whist together; I saw him one Monday morning, on Broadway, in Saratoga; it was near the station, but on the other side; one introduced the subject; he said "W we have another social game of said, "Any day this week; this af you like;" he said, "Won't to-m ternoon do as well?" I said, "Any like;" his character was irrepr never heard he had a fault.

A number of letters were the Charles O'Conor, written by Mansf Walworth to his wife. They we Mr. O'Conor stated, for the purpos ing the insanity of the deceased, view also of deducing the inherite of his son and murderer. A grea of the letters were written while th proceedings between Walworth an were pending, and the man seem been maddened by the delays and ments which were entailing expe him, preventing him from proce literary work, and he charges it her and her lawyer. An impo about the letters is that very few have any signature attached, an identified by the handwriting. very long, one containing five s are written in an irregular, spread with the lines unevenly spaced. of the first letter is not given. It

"Why do you not sign the pap your lawyer says he sent to you? I an honorable settlement, and s signed by me promptly? I wait and weeks patiently, but as your l the doctors wouldn't allow you t any business or sign it; and now most marvellous breach of good lawyer has ruthlessly and treache to the Trust Company which, by the lawyers stipulated should be If you incited him to this brea you met a most signal failure. instigator, two-faced also? I made offers to get to my work, and gave $250. As —— is my judge I nev the document, which I would h by; but now I will never make agreement. Already $250 of m money gone to my lawyer.

J.— God ! aren't you going to sign the
rement your lawyer sent you? You are
n keeping me from success by wast-
preeious dollars and tormenting me
settlement has been agreed upon.
God, woman, let me go to my work.
rdest time for "Delaplaine" is here.
weeks the fate of the book is told.
Hardin, sign this paper, which you
to sign. Great God, are you going
v that crafty lawyer to get your name
get my name as the author of "War-
to spread his name before the
an public as a divorce lawyer? For,
as God is in heaven, if this agree-
n't signed I will place the facts be-
e public; but that is not my only
e, there is murder and suicide also?
ed six weeks patiently, and, by the
— God, I will give you no more time,
ow "Delaplaine" into the ditch, re-
he divoree and sue for my children
you sign the agreement, and will
the rest of my life to fighting in the
, and with murder and suicide in the

July 17, 1871.

——dishonorable——. $200 more of
ecious money gone to my lawyers. I
get into a situation where I can
fresh, and every delay causes loss,
e plank is riven from under my feet
am on the verge of beggary and
patiou every hour. Why do not you
d give me a chance in life? I signed
tly. Why must this damnable extor-
of money for every adjournment go
Don't you know that your lawyer is
ng you for every delay? Oh! I am
for just a few dollars to push my book
plaine" into success, and "Delap-
is dying—dying! Two years more
life wasted! Oh! —— on Calvary—
uot think the last ery means weak-
as, by the E——l G—, in wasting my
ou have armed me. May —— ——
I revoke every promise I made you.
not revoke my legal agreement. I
by it as I do by every honorable
nent I ever made. It is your lawyer
layed me false. This last trick of
your lawyer, that it is neeessary to make a stipulation that I will not break my engagement is frivolous. Why didn't he think of it before? I do not care a ——; but put it in fifty times if you like; but hurry up, and stop this useless waste of money since the first day I eutered Charles M. Whitney's offiee. Eternal ——, can't we get it signed? He told me the lawyer had put the money stipulation into the agreement of his own option; and even Judge Barbour says to me that Whitney is a Yaukee puppy, making out of the misery and patience and agonies of others, delay and pay, and to get it before the public in the Courts; aud I am d——d sure he is pursuing the course to get it there. I agreed with Judge Barbour to relinquish all nearly to you but two hundred dollars, and Whitney never sent the agreement to me, according to promise. He is a —— —— liar; he never sent it to me. Hurry up for —— —— sake, —— —— you. You are a fool.

July 8, 1871.

Your lawyer asked another adjournment to-day. I cannot hold out longer. The pistols are loaded. If you succeed in getting the $950 from the trust estate of my father I shall shoot you, stamp out your life with my boot and shoot myself if your mother is not near. If she is near I will use the secoud shot on her body and the third on myself, behind the ear. Why? Murder for $950, you ask? Why? Because you robbed me of my young; and now, in my miserable agony, on the loss of all that makes life tolerable, you remorselessly seek to knock from under a despairing wretch the last plank on which he can [illegible]. I went to Judge Barbour's to kill you; that door chain alone saved you. If you do not sign the papers your lawyer says he sent you to sign, and which your sickness alone prevented you from signing, I shall shoot you. You are dealing with a despairing, demoniaeal murderer, or whatever despair makes a man. Sign d——n quick.

July 29, 1871.

Your lawyer says to my lawyer that on Saturday he put a slight modification in the articles of agreement which he thought

necessary for your protection, and laid before you to sign. Is that truth? And is the delay solely due to your not signing? He says so. Great —— cannot this thing be closed promptly and business like, and the waste of money on the lawyers stopped? By the Eternal ——, I cannot be trifled with any longer. Sign promptly and business like. Why am I so eager? Because I am hungry, and [illegible] in the face; and this, added to the agonies of my heart, will make me murder you myself. Oh, can't you see it? Won't you sign it and make your lawyer close it up as quickly as he can? Can't you telegraph to him to hurry it up and close the business? I am so hungry and so weak, and the pistols for you are lying loaded beside me all the time. My book failed to bring me money and my efforts to get a situation have failed. I am a hungry demon, and am longing to lap my tongue in soft blood. You are making your grave by the delay. But we shall lie so peacefully side by side in death. O sweet Death! Sweet Death.

SATURDAY NIGHT,
(Supposed to be July, 1871.)

I have just come from the lawyer's office. He says the agreement has not been signed and returned from Saratoga. —— —— you. Sign it and let me out of the expenses of the law. May —— —— the expenses of the law that are beggaring me! —— —— you. You are planning some other evasion of your plighted word. Beware of me. God damn you. I am dangerous. Listen to the murderer's hiss and beware of me! You robbed me of my children and you want to rob me of my pittance. I am watching you with a hawk's eye and a despairing heart. Woman, why in God's name don't you sign the papers? The pistol is lying beside me loaded that will relieve me from starvation and hell, and like a flaming demon I will scatter your brains. I am in earnest, —— —— you. Do the words sound tame on paper? Hog's ——, I will murder you for depriving me of my sweet, darling money. Hist! Hist! Hist! Let that ring through your —— inhuman ears. The broken-hearted wretch will [illegible] torturer with him to hell.

July 28,

Again, to-day, I have been to my [illegible] He says the papers to be signed by [illegible] still in Saratoga. You are delayi[illegible] of hell. Another adjournment to [illegible] for and the pennies scarce! The [illegible] wretch grasps his pistol! You ta[illegible] the hopeless author his last hope. [illegible] avaricious wretch, I grasp the dea[illegible] pon for both of us. Stand off that p[illegible] You robbed me of everything swee[illegible] and of peace, and I want to wreak [illegible] venganee on you if you do not rel[illegible] your grasp on the only thing. —— you, you can appreciate my money [illegible] the papers you agreed to sign lon[illegible] long ago, and I will let you go, —— ging my heartstrings after you. Bu[illegible] my sweet, darling, precious mone[illegible] late I have learned that money is t[illegible] of life and that for industrious pover[illegible] is no home, no hope, no success in [illegible] love of children; and I clutch the [illegible] with a demon's clutch, with a mu[illegible] clutch, and I would gladly murde[illegible] and die. Sign the papers which you [illegible] to sign, ——. You have miscall[illegible] Mansfield Tracy Walworth as other h[illegible] done. You will awake to the realit[illegible] you beggar me and the bullet a[illegible] through your skull and through mine[illegible] off —— —— you! I asked you to d[illegible] ing that your lawyers have not sti[illegible] for, —— —— you, false, cold, [illegible] hearted ——.

Monday, 10 a. m. (supposed to be [illegible]

That same pleading, ever-presen[illegible] mination is working me up to the fin[illegible] edy. I go down in five minutes to[illegible] my lawyer has received and filed the g[illegible] ment signed. But my superhuman co[illegible] sight tells me that you have again pro[illegible] ted, and that Chancellor Walworth's [illegible] er son must be a murderer and a suicid[illegible] be it! I have done all I could to aver[illegible] have waited patiently for weeks. Y[illegible] pushing on your doom. By the ete[illegible] ——, Ellen Hardin, the [illegible]

hree years of your life of abandoning and grasping that property shall be arted in your blood and mine. If you the catastrophe comes as sure as fate, —— you. All the intensity of hate in life is centered on you. Listen for the k of the pistol!

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gn this paper and I will trouble no fur-. The devil says to me, you fool, she ts to beggar you; she wants two-thirds e her father died; she has kicked you ike a dog; she does not care a groat ther you succeed or not; she means to ent you about that property, because she —— woman—a thief and a traitress. o sign this paper, and I will try to bring itortured brain once more down to lite-r work. My lawyer says, She will never g anything that you want her to, because gloats in torturing you. ——, you, Ellen a in. It is in me to succeed at books if eave me alone and take the apprehen-o of lawsuits from me. Sign this paper r tortured author will kill you, by ——. l did you make me give up my children u and make no fight for them? Because ught the trust property would be left to nd that I could succeed as an au-o My lawyer says, she says I am l; that she hates me; that you say ou will do nothing that I want you to do to keep you uneasy, and that your brain ot bend to literary work; she knows if you succeed her affidavits must be ries before the world. Now, sign this p, or I will murder you. I do not be-ev n any God, but I believe there is a devil, nd hat devil is you. Why, in the name f ommon sense, after you robbed me of he weetness of life, do you not leave me u listubed possession of the property, so hat can stay in New York and work? Here ndu ry accomplishes wonders, even in the ner profession of authorship. Sign this ap as a guarantee. What did Whitney nea when he said there would be more rou e about the property—that the Har-ins pride will not allow them to contend bou this little property? In the name of God, when I gave you my children for money, am I not allowed to live in peace, when I would sell my soul for it? Oh, money is as sweet to the Hardins as anybody else; but there is not one of them who has courage to murder for money as I have, and I will if I am not left in peace with this two-thirds; for when that goes my last plank of ambition will be taken from under me and I will murder. So hard, so hard is an author's fate.

(*The agreement which he wanted signed.*)

"I promise before God to abstain against all law suits or take any of the property. I am satisfied with one-third which he has relinquished for my relief. I know he has hell enough to carry on his mind from remorseless children, without my crippling him by law suits for more money. Sign this paper to give me mental rest, necessay for literary work. I will not approach his trust again or enter any court so long as I receive one-third trust property."

The reading of the letters continued from about half-past two o'clock until ten minutes past five o'clock in the afternoon. They were all of the same ribald, blasphemous tenor, some of them absolutely surpassing belief. The court room was as still as death. Every voice was hushed but that of the great old lawyer, and as his clear, emphatic tones rang through the corridors outside, every heart was stilled with horror. One letter was addressed to Judge Barbour, threatening him that he would shoot him in the public street and fall a suicide over his body if he interfered between his wife and himself, and if his property was not restored to him.

Another was addressed to Father Clarence Walworth, announcing that he intended to kill him if he egged his wife on against him, and saying that he would spit upon the religion which could make a saint out of such a —— as him. In some were found bullets and caps, and in others powder.

In one was found an extract from a newspaper, in which the foul murder of a wife by a husband was described, and this he likened to the tragedy which was impending over her.

One addressed to his sister, Mrs. Backus,

threatened herself and her family with death if $200 of property, which he said was kept from him, was not restored to him. He said the book trade was G—d d—d bad, and that $200 would have got him circulars, and he could have made a success of his book and made hundreds of dollars."

Another to Mrs. Backus was as follows:

MY DEAR SISTER: I have conceived the great secret of my existence. I was not born as men are, but was let down from heaven in a basket. All who have preceded me are imposters. I am the true Messiah. It will cause a great commotion on the earth when I am summoned, for I shall be a soldier-king. and have in heaven —the home of my Father-God. * * * You, of course, are not morally my sister, but during our terrestrial intercourse you have manifested such kindness for me that I shall make you one of the queens of the earth. * * * Keep this secret until I am announced by the sound of 10,000 trumpets, then fall down and worship me, for I am M. T. Walworth, the true and eternal son of God.

And so the letter runs on like the ravings of an excited maniac.

At the conclusion of the reading of the letters, the Court adjourned till Monday

On Monday morning, June 30, the Court met at ten o'clock. The proceedings were delayed some time by the absence of one of the jurors. Immediately after the Court met, the prisoner, accompanied by his mother, uncle and a number of other relatives, was brought in, and counsel for and against him appeared in their seats. The court room was at once filled. The prisoner's uncles, aunts and numerous relatives gathered around him and almost screened him from view of the curious. Next him sat his mother, dressed in deep mourning, with a face of Parian marble in its beauty and coldness, and the two held whispered converse all through the long wait for the juror. No anxiety was visible in the countenance of either. Sometimes a ripple of a smile would cross the countenances of both, and again a sudden look of intense affection would illumine the eyes of each and gone.

At 10:40 the juror, Mr. Chamberlain, still absent. Justice Davis asked the c jurors if they knew any reason for his sence. The foreman replied that Mr. Cl berlain went to Milburn, N. J., on Satur He promised to return at 10:15 to-day.

Almost immediately after Justice I received a dispatch, as follows:

TURNER'S STATION, N. J., June

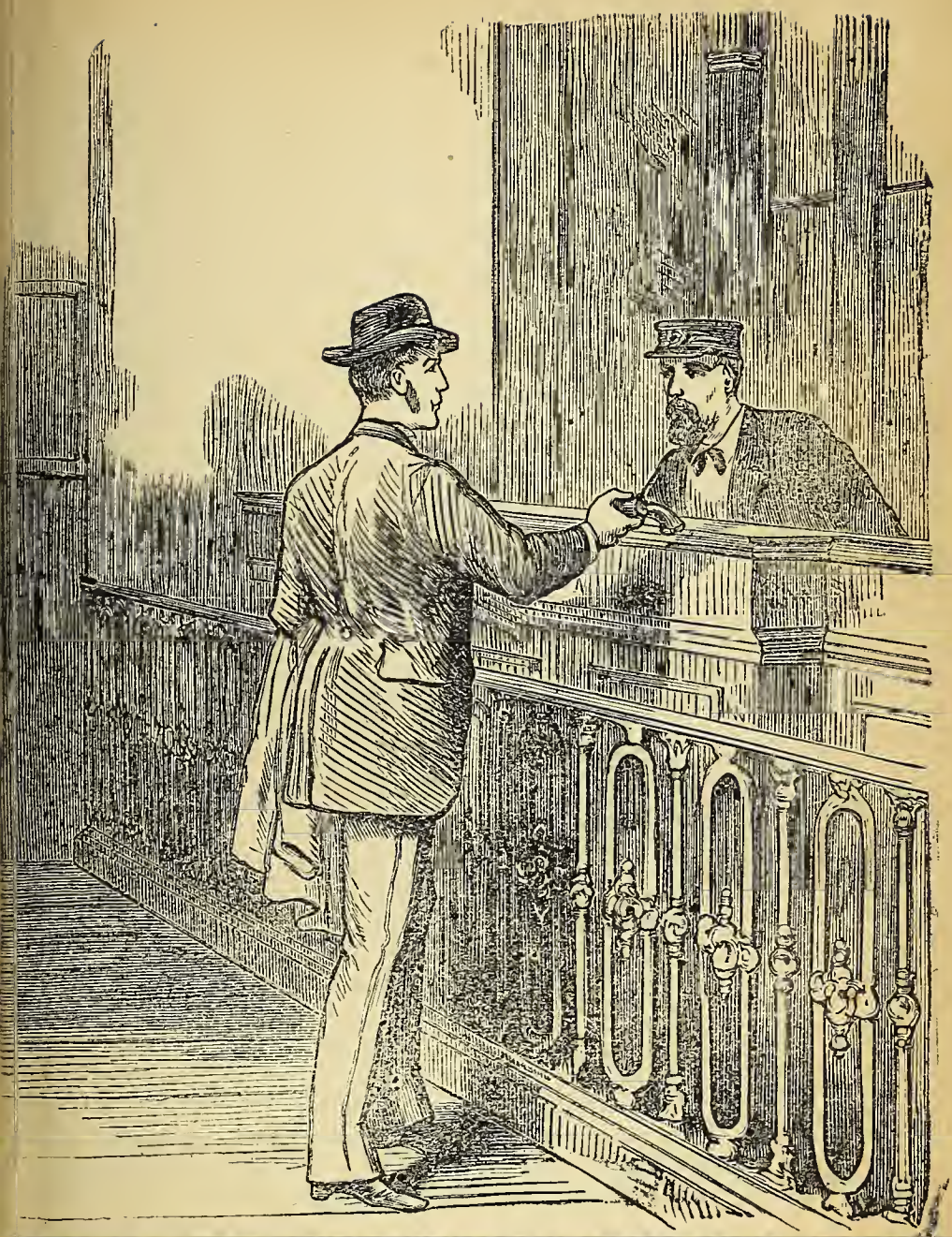
Train broke down. Will be two l late. J. A.

A recess was then taken till one o'c

At half past one all the jurors we their seats, and the trial was continue recalling Mrs. Walworth to the wi stand.

Mr. O'Conor repeated the question former day as to acts of violence to d insanity, and the witness continued the summer of 1865 I was spending days at Saratoga and had been on pleasant terms with Mr. Walworth; evening at that time I went out with cellor Walworth and two friends; we ed one of the hotels, staying for a time and returning about ten o'cloc my return I found that he was in the and that he had the door locked; knocking a couple of times he opene door; he looked with fury at me. and a terrible oath exclaimed, "I will sho how you will leave me of an ev again"; he seized me by the arm and me with great violence; he push against the furniture and literally to clothes from my back; when I took infant to leave the room he commande in the most threatening manner to down again and myself; in an hour he fell asleep and I escaped from the He had been in the habit of acting very violent manner for a great many

Q. After this occurrence in 186 detailed by you, state any further quent acts that recur to you. A. summer of 1869, when my sister ha me some clothing and other pres various kinds for the children, witho previous signs of displeasure, he aros



"The young man delivered to the Sergeant a small Colt's five-shooter, with four of the barrels discharged—'That,' said he, 'is the pistol I shot him with.'"—*See Page* 22.

only in the night, and swore at his sister in a most violent manner and commenced to search the house for the articles and destroyed them; at that time his appearance was very remarkable, as were also his words and gestures.

Q. State as well as you can the nature and character of his appearance when he was enraged. A. He was always extremely pale and had the look of a wild beast; I cannot imagine any other expression like it.

Q. State any other instances of this violent conduct or variety of acts which you then observed. A. At another time, about nine o'clock, after spending a quiet evening, he came to my room door, and as I opened the door I saw that he wore the same terrible expression, and, with both arms uplifted, he uttered those fearful exclamations, "Hardin shall not rob me of my wife and children," although we had not seen my brother for a long time previously; he then struck me violently, and raised me in his arms in the most violent manner and threw me on the bed, where I lay for some time unconscious; on another occasion he suddenly sprung on me and stuck me.

Q. And all this was done suddenly and without previous cause of excitement? A. Yes.

Q. So that his acts on these occasions were altogether unaccountable to you? A. They were.

Q. Was his violence on these occasions great and serious? A. Yes, sir, they were great and serious.

Q. And you stated that these acts were always accompanied with oaths? A. Yes, sir, they were.

Q. Can you state any particular instance to represent any different illustration that appears to you that might account for those acts? A. At the time of his father's death he was subject repeatedly, perhaps every day, to these violent furies, in which he would abuse his father and brother; he did not expend all his fury on me; he would strike the furniture and break it with whatever he might seize in his hand; he did this very frequently after his father's death.

Q. On any of these occasions of this peculiar conduct did you receive any such violence as the use of his teeth upon you? A. Yes, in my finger; he bit my finger severely.

Q. I observe that in those letters which Mr. Walworth addressed to you to several of them are no signatures. Do you know any reason for that? Was that a habit of his? A. It was not his habit when he wrote ordinary business letters.

Q. What was his condition as to strength and height; what sort of a man was he physically? A. He was five feet eleven; an unusually robust man; in the habit of exercising himself by long walks; he used the dumb bells as long as I knew him.

Cross-examined by Mr. Phelps—How long prior to your leaving him was the last act of violence? A. About ten days; after that I was ill.

Q. Was he aware of your intention to depart before you left him? A. He was not.

Q. After the act of violence which occurred ten days before you left the house, had you any interview with him? A. He came to my room; but never without some one being there.

Q. At what time did you leave the house? A. In the morning, about ten o'clock.

Q. I understood you to say that from that time you never saw him? A. I did not see him again.

Q. Have you any means of determining in a general way the letters which you received from him and know the contents of and those which were since shown you? A. Yes; I think I can distinguish between them.

Q. Can you discriminate between all these letters as between those you first saw and those afterwards shown to you? A. There might be a few I could not point out, but as a general thing I would know them all.

Q. What was the last letter you received? A. The letter I received 7th August, 1872.

Q. Did you understand that the letters produced in Court and read here were all

the letters received? A. Not quite all; Mr. O'Conor has some more.

Q. Did you answer any of those letters? A. I did not; I wrote one letter about two or three weeks, perhaps, after I left him; I submitted it to a friend—my lawyer; that letter was given to him, I understand; I never sent him a line after that.

Q. With the exception of that letter which was submitted by you to a lawyer before sending it you have had no communication with him of any description since the separation? A. None at all; he may have had messages from my lawyer.

Q. You communicated nothing directly with Mr. Walworth? A. Nothing in any way.

Q. The letter dated September, 1872, did you receive that? A. No.

Q. Have you seen any letters later than August? A. I don't think I have.

The witness then left the stand.

Two packages of letters were handed to her, which she examined at the table beside which she sat, on the immediate right of the prisoner. After a brief examination of the letters contained in these packages she handed the packages back to Mr. O'Conor, with the letters withdrawn from them which she herself had received.

An entry was here made on the minutes that the District Attorney had withdrawn his objection to the reading of any letters, and that there was no exception in reference thereto.

Q. By Mr. O'Conor—Are those all you received and read prior to the first of June? A. Yes; I think that is all.

Q. You stated that some of those letters found in Frank's secretary were unopened? A. No; it was some of those that were handed to me that were unopened; this was seven or eight months after the separation; at that time there was a package of letters handed to me, and among these were those unopened ones.

Q. What letters were those that were unopened? A. I think they were generally those which contained powder and balls.

Lemuel S. Hardin, uncle to the prisoner, was next put upon the stand. He testified:—I am a son of Colonel Hardin and a br er of Mrs. Walworth; I live at Louisvi Ky.; I lived with my sister in Kentu from 1861, while she was there and husband was away; I have known Fr all his life; I spent my vacations in Sar ga with the Chancellor; I think Frank is best boy I ever knew; his devotion to mother was perfect; I never heard speak ill of his father; never heard any speak ill of him.

To Mr. Phelps—I never saw him an he was fond of sports and cheerful, but demonstrative, he had a fund of humo him; he was never irritable or irritated was better tempered than myself; he w my office six months about two years: can't fix it nearer; it was before the sep tion, at least before I heard of it; I d Frank was with his mother when tha curred.

To the Court—I was opposed to his r ing law, he was so young, but he see so settled and so little disposed to f that I assented.

Gen. Martin B. Hardin, another uncle of the prisoner, testified:—Is a brother of Walworth; was stopping at the Hoffm House, in New York, at or about the t at which his sister finally separated from husband.

Q. What was your condition as to hea at that time? A. I had been invalided some years, partly on account of wo and partly from disease contracted in the army; at that time I had not entirely re ered from my wounds, nor have I y I was suffering from severe wounds, as well as having lost an arm; I was, in fact, ly able to go about at the time, and it w only excitement that kept me up.

Q. Did you receive a visit from Mr. alworth while you were at the Hoffman Ho A. I did.

Q. At what hour of the day or night w it? A. It was about four o'clock in the morning; I was asleep at the time.

Q. Was there any one else in the o with you at the time? A. Yes; there w a lawyer there, writing.

Q. Drawing up papers for the purp

eginning the divorce case! A. Yes; we a been engaged with them through the ight; I went to bed about two o'clock; was sl p when I was awakened.

(By what were you awakened? A. By v lent knocking at the door.

(What then happened? A. The lawyer m ed up and opened the door; Walworth ar in and walked quietly up to the foot f y bed; he kept his hand by his side; I a still lying in bed; watched him close- y; e asked me, "Where is my wife?" he e questioning me; told him to keep u and allow me to dress; he was very m excited; I arose and was putting on my pants, still keeping my eye on him lo ly; I suddenly jumped towards the lo and drew it after me; he pursued and or d the door open; he had his pistol in his and; he presented it at me, but I es- a d behind a double arch that was in the a people then came rushing to the spot; h awyer had rung the bell and this gather- d hem; in a few seconds a policeman came in arrested him.

harles L. Pond testified that he was a stu- le of Union College, Schenectady; was an int ate friend of the prisoner; for the last ree and a half he had noticed a great ch ge in his manner, and he became no se and moody; he on one occasion ald out loudly in his sleep, and when witness went to see what was the matter he fo d him sleeping heavily; witness had ls noticed his pillow wet in the morning wi a rusty stain; the prisoner, Wally Ba our, his cousin and the witness had, in pril last, started for a walk; they had go but a short distance when the prisoner su enly attacked him and threw him down; up asking what he meant Frank made no an er, did not even look at his questioner, an soon after wanted him to take tea with hi he never made any allusion to his str ge conduct and acted as if he was not aw e of what he had done; witness was wi him on the Sunday previous to the sh ting, when he acted as if he was sick; th had made arrangements for an excur- sio to the woods to procure some flowers; he ent part of the way, gathered one or two and then went home, witness and Wally Barbour continuing; when they returned they found him asleep; the next morning he told them he might go away on Monday.

Walworth Barbour testified—Resides at Saratoga; is second cousin to Frank; have known him almost all his life; knew his general character in the neighborhood and among his friends as being very good; never heard a word against him; heard the testimony given by the previous witness, Mr. Pond; it was correct so far as he remembered all the circumstances.

Mr. Smith, a resident of Saratoga, testified:—On Sunday the 1st of June, Frank and Mr. Pond called at my place; we talked about various things; finally Frank asked me to let him have some money, that he was going away on the next day and would be back on Tuesday; I told him I had no money with me, but if he came to my store on Monday morning I would give him some; he came on Monday, and I gave him $15; he said he would be home on Tuesday and make it all right with me; the fare from Saratoga to New York is four dollars and a half.

Augustus Von Belleau, recalled—When first he knew Frank he was studious and capable, but latterly he seemed not to lose his capacity, but his memory; he learned German with witness, and he spoke it pretty well and wrote it with ease; words that he learned and remembered in his earlier studies he had forgotten, as if he had never learned them; latterly, instead of his usual cheerful manner, he became gloomy and morose; sometimes it was painful to see him; he would complain of great weariness and be long in bed; his face would flush and suddenly turn pale, and a strange rattle was in his throat.

Winnifred Roach was housekeeper for the Walworths in Saratoga; knew Frank well; the morning after he had gone she noticed bad stains on the pillow, blood stains; heard screams from his room during the night; had observed these stains many times before that, during winter and spring, and had heard him scream two or three times

before; his appearance was very strange sometimes, very pale and forgetful; he'd travel around the room and around the yard as if he was lost entirely and ready to drop away; he'd come down to relock the doors as late as twelve o'clock; he was the only male in the house except Tracy.

To Mr. Phelps—He would come down at midnight and unlock and then relock the house; in my room I could tell his movements; sometimes he'd go out; he would do this nearly every night; once in a while he'd go out; sometimes he looked frightened; he'd walk fast; Saturday evening before he left home noticed this.

Joseph W. Hill, recalled—Has known Frank for over a year; when he first came to his law office he was studious, but soon observed something that made him believe Frank had something absorbing on his mind; he wouldn't converse as usual, and made no progress in his studies: these habits continued, until he would come to the office and notice nobody, sitting there unoccupied for two hours, and then leaving; he complained of being languid and sick.

Dorothy Smith (colored)—Had been servant of the family all her life; knew Frank since he was born; when he was seven or eight years old he fell from a car and was hurt back of his head, it was bleeding; last summer his pillows where he had slept over night were stained a kind of brownish yellow; seen them three different times; used to hear him scream in his sleep; in 1862 he laid for two days with a sort of headache, and then had convulsions, frothing at the mouth; had been fishing and thought it might be the sun; the day before the Southern tournament in Saratoga, in August, he was sick again and I found him in convulsions; I bathed him with warm water; don't know if it was the effect of the sun.

Thomas W. Todd said—I reside at Syracuse; I knew the prisoner in 1870; he was playing a game at ball; Frank became insensible for half an hour, but no one else did; the next day he was languid; he hurt his nose and his forehead.

John L. Barbour said he had known [illegible] field Tracy Walworth; in 1861 or 1862 I [illegible] him put on a Confederate uniform, and [illegible] said that he held a commission in the [illegible] federate army; this was at the time [illegible] worth was in Washington; I told the [illegible] retary of State, and on subsequent inq[illegible] I found that the story was not true; I t[illegible] he said he was a captain in the army [illegible] told me at the time he was in the emplo[illegible] Colonel Stuart; I know Frank Walwort[illegible] have observed that he has appeared [illegible] moody and occupied; I have frequently [illegible] him on the sidewalk and he has never [illegible] ticed me; I have noticed that his face [illegible] peculiarly pale and there were twitch[illegible] of his face.

Dr. Charles S. Grant testified—I resi[illegible] Saratoga Springs; am a physician and s[illegible] geon; had known the prisoner for sev[illegible] years, and his character generally [illegible] good.

By ex-Judge Garvin—During the ye[illegible] you have known Frank Walworth have [illegible] noticed any change in him?

Witness—I noticed a decided chang[illegible] him six or seven months ago; he came t[illegible] my office in the afternoon; he was in [illegible] habit of coming there once or twice a w[illegible] to play billiards; I asked him to go p[illegible] stairs; we went up and he sat by the w[illegible] dow; he looked out and looked up; I sa[illegible] to him, "Have you tired yourself out so[illegible] quickly?" he made no reply; I took off my coat and took up my cue; he went to the table and put the white balls where the balls should go; just before striking the red balls he noticed his mistake and said that was not the way to begin a game; he then placed his balls properly and played half an hour or so; I noticed that he had a peculiar appearance for a day or two afterwards; the second time I noticed any peculiarity was when he called one evening and we played; I said to him it was his turn to play; he made no remark, and I said to him again, "Frank, it is your turn to play;" he spoke in a sharp unnatural voice and said, "He was ready;" he sprang up from his seat and struck the balls with great force the stroke counted, but instead of playing

a again he struck one of the red balls r that it dropped on the floor, and stantly he dropped into the chair; twitched violently; he was breath- heavily and he was snoring; I sat side and said, "Frank, what ails e made no reply, but made an effort his eyes; I think he raised his head ated my question in a listless voice; ee or four seconds he put on his sked him where he was going; he was going home; he also said it was o'clock and he promised to be home asked him if he would not stay h the game; he said, "No, he had me at six o'clock;" at the same time gn to take off his coat; this was e or six o'clock; I did not notice ded symptoms of change until five eeks ago; he got into a carriage to h me; we were talking about ty- ver; after several minutes had passed id not make any remark, I looked nd saw he was staring right ahead, face was livid; I said to him, r, are you sick?" he did not say any- t continued to stare; I then put on his shoulder and said, "Frank, sick?" he did not say anything, but d to stare; he then gave me a wild d said, "How far is it to the gs" I then said to him, "Frank, what complain of?" he then repeated, d again, the word "fruit," "fruit;" was very rigid and his muscle re- e said, "Did you think I was going I said, "You acted so strangely I know what to think of it;" I asked t he meant when he was going to e; he put his hand up to his head he could not conceive any reason hould strike me.

ll you please state in a general way se things indicate? A. To my mind cate epilepsy.

w does the condition called epil- ect the mind? A. It produces un- sness and mental irresponsibility.

hat is called epileptic mania? A.

der the influence of epileptic mania is there consciousness or will? A. Not when fully under the influence of the mania.

To District Attorney Phelps—Have had between thirty and forty cases of epilepsy under my charge. Was stationed in the Albany Insane Asylum at one time, and had many cases there.

The court then adjourned.

After the opening of the Court on Tuesday morning, the first witness called was

Dr. John B. Gray, who testified—I have resided at Utica since 1850; have been a physician for twenty-five years, connected with the New York State Lunatic Asylum; am familiar with the epileptic condition; it is a disease of the brain and spinal cord, manifested by periods of unconsciousness and spasms; its causes are various, constitutional or hereditary, falls and blows, a shock, mental or physical, long continued distress, and generally things calculated to disturb the circulation.

Q. To come down to our case, "Is epilepsy always accompanied by spasms?" A. Yes, but not such as are evident; a spasm may occur perceptible to a person having his hand on the patient so that he perceives the tremor, while to anyone else it would be imperceptible; a condition of rigidity, often preceded by a cry, is the first symptom; there is pallor, followed by redness of the face, a swelling of the chest, and after that the patient usually falls into a sleep; that is rather the spinal form; an apparently milder form involves the brain, and the symptom is only a slight shiver; either form, with more or less speed, impairs the whole mental power; the progress of the disease is manifested sometimes by a lassitude of mind; sometimes by irascibility; its most marked symptom is a change in some direction; sometimes it manifests itself by sudden maniacal raving, more than attends other forms of insanity; sometimes by mere bewilderment and hesitation; the mind becomes impaired and the will with it; the will is practically in subjection.

Q. Take the case of a man who screams out in his sleep, and a little while after is found snoring, and at times froths at the

mouth, what would you say of it? A. I would say that it indicated an epileptic seizure; other symptoms that may occur are spots on the face or the surface, indicating extravasation of blood; the dangerous period is not during the rigidity, but before or after; the effect of waking up a person subject to epilepsy two or three hours before his usual hour would be likely to bring on a fit; in fact, nocturnal epilepsy is apt to come on a little while before the waking hour; epileptic diseases might well exist without friends recognizing them.

The witness here gave details of general cases, and then said, in answer to questions by Mr. Phelps:

The leading symptoms in this case denoting mental impairment are the facts of his failure as a law student and his forgetfulness of German phrases which he had before familiarly used; the physical symptoms are inconsistent with hysteria; I did not say that the shooting of the father occurred during an epileptic attack; I said that he was liable at any moment to such an attack; epileptic attacks are, so far as we can see, unpremeditated and causeless; in some cases, where epilepsy seizures occur but once or twice in a lifetime, especially after maturity, there is no notable change in the general mental condition, but as a rule there is a change; where the attacks are at intervals the patient is usually capable, in the intervals, of carrying on his ordinary business, but there is ordinarily gradual deterioration, ending in dementia; in some cases there are no symptoms preceding an epileptic seizure, but sometimes there is headache, restlessnes or constipation, and in rare instances a precedent maniacal outbreak; in cases of *petit mal*, the apparently milder form, which is very brief, passing off in a few seconds, there is often drowsiness, bewilderment or wildness; they do not remember what occurs during the seizure, but sometimes have an indistinct memory of what occurred during the later epileptic stage; I have known cases where the memory of a number of days was cut out, though I have supposed they were, during that period, cognizant of their acts.

Mr. Phelps here detailed the sta of the prisoner after the shooting, as affair, and asked whether the recol of the events by the prisoner would the doctor's judgment as to the pr epileptic condition. The doctor that the recollection of the events wo alter the doctor's opinion as to the er's epileptic condition, but adde there was hardly sufficient data fr statements as given to decide whe had that morning an epileptic seizu

To a Juror—These attacks cover a of time, though within the period o of the attack minor attacks may occ

To the Court—The disease is not periodical; it is rarely curable; in simple convulsive epilepsy the physi dition sometimes is perfect.

To Mr. Phelps—I have known with epilepsy who still conducte ability the ordinary business of life and Mahomet are said to have been ties, and Napoleon, Alexander an other distinguished men are said had epileptic attacks; the rule is, h that mental degradation sets in; it cerebral epilepsy, or *petit mal*, whic sider the most liable to become in there is a certain periodicity in th rence of the attack, but an excitin may bring it on at any time; as a r epileptic rage is directed to all alik have known cases where it was dir a particular individual.

Dr. Gray was examined by Mr. and testified further—I spoke of a lasting two or three days; the fit n would only last a very brief time, epileptic condition might remain a time, during which he would seem a rational condition, yet really his wholly under the epileptic influe may do certain things in an appar tional manner, yet the epileptic co with its violent tendencies, contin dinarily the fit is terminated by a normal sleep; some of the books st eptic attacks which were accomp distinct memory of what occurred i in my own practice I have found so

emember, but could not determine they spoke from memory or from rmation of others.

lefence here closed.

rosecution called, in rebuttal,

is S. Street, of the New York *Weekly*, tified that deceased was well known for a year; he was writing for that he was very affable, agreeable, cour- nd cheerful; he was very quiet and anly; I never saw any violence or city; I knew he had a family; he luded to it but on one occasion; I him an article in the *Tribune* com- ing his wife's readings at Saratoga: ed and was pleased, and asked me him the article; I never saw on him of liquor; I never heard him use oaths.

r. O'Conor—I saw him in all at our rom twelve to twenty times; he our paper to offer his productions; him for one serial during the year we were arranging with him for a he was to come down on that y to arrange terms; he was always nd properly dressed; he looked like gentleman, and not a hungry author; hed some placards containing this— racy Walworth speak for himself;" ere pasted up so that people could em; I believe we published an edi- enying the truth of the stories against

Lary, a restaurant keeper, testified r. Walworth for two or three years meals there; he spoke with pride of er; he never swore; he never drank e at witness' bar; he was always nly; he was generally cheerful; heard from another party that he married man; witness never saw him pistol or be engaged in a quarrel; he ly took three meals a day at witness' nt.

y Ackerman, a barber, testified that he own Mr. Walworth four years; he ommonly shaved by witness, and vitness became sick he came and in- for him and brought him grapes and he was a gentleman from the top to the foot; he never got angry; witness taught him German; he never was profane; he belonged to their singing society, and was a pretty regular attendant; I saw he had some kind of feeling in his heart, but I was ashamed to ask him; I never saw him have any drink except maybe a glass of lager beer, as any gentleman might; I never saw him intoxicated; I never saw him have a pistol; our society was the New York Mænnerchor; I saw him last at eleven o'clock on Monday night, before he was shot.

Herrman Bettgeman, grocer, testified that the deceased visited his store once or twice a week for the last two years; his demeanor was not cheerful, but quiet, not violent; he never heard him utter violent oaths; never saw anything odd about him.

To Mr. O'Conor—He came to me for groceries, butter, cheese, eggs, cigars and sometimes a bottle or two of wine; once or twice a bottle of brandy; sometimes he took them away, sometimes we sent them; I suppose he bought other groceries; he kept a monthly account, which he paid promptly at the end of the month; it ran from $8 to $17 a month; when his family lived there it ran from $70 to $90.

Theodore Ramer, Superintendent of Station II, of the Post Office, testified that he knew Mr. Walworth, and his manner was always that of a high-bred gentleman; he was cheerful and inclined to talk; the only one of his family he ever mentioned was his father.

The District Attorney offered in evidence Mr. Walworth's book, "Beverly."

Mr. Beach objected to it as incompetent.

Mr. Phelps said he offered it to show the sanity of the deceased.

Mr. O'Conor said the substance of these letters was contained in this book.

Mr. Justice Davis—Yes, he had followed these letters substantially in the book, except the blasphemy and obscenity.

The book was excluded.

Dr. Ralph L. Parsons, physician for many years in the New York City Lunatic Asylum, testified:—Epilepsy is characterized by loss of consciousness; it is usually a con-

vulsive affection, and is sometimes connected with a change of mental condition; it frequently exists without such mental disturbance as to amount to insanity; I am inclined to think it is almost always accompanied with a certain degree of irritability; the paroxysms have a sort of periodicity, varying within certain limits for each individual and varying with each individual; there is a portion of the epileptic attack of which the patient is wholly unconscious, but there is a condition of epileptic mania of which frequently the patient has some memory.

Mr. Phelps here presented a hypothetical question, stating the facts of the separation of the prisoner's father and mother, his care of his mother, his receipt of his father's letters, the last letter received, the offer to go to Europe, the prisoner's letter to his uncle announcing his intention to see his father, the arrangements of Sunday, the visit to New York and the circumstances connected with it; the occurrences on Tuesday morning as detailed by the evidence, including the prisoner's subsequent acts, and asked—From them what is your opinion as to the condition of the prisoner's mind and whether he was conscious of the character of the act he was doing? A. I see no reason from the whole question as put to induce me to believe that he was laboring under an attack of epileptic mania; knowledge that he had previously shown epileptic symptoms would not change my view; I should require further evidence of the character of the act itself.

To Mr. Beach—If I knew that the man was epileptic I should be more careful to inquire into the evidences of aberration of mind at the time; from the evidence as given I should not conclude that the act was epileptic or one of epileptic mania; assuming that he had an attack of epilepsy on Sunday, he might have renewed attacks on Monday and Tuesday; I have seen cases of epilepsy where I saw no evidence of excitement or irritability; I believe no case occurs without some effect on the mind after the paroxysm has passed; strong continued emotion may produce epilepsy where there is some predisposition, not otl
I cannot tell in what that predispos
sists, but a hereditary tendency of
firms us in our view of predispos
give a considerable degree of signifi
the prisoner's statement, as evincing
ory of the transaction; his statemen
shooting showed he was conscious
shooting.

Dr. Abner Otis Kellogg was next
and testified—I am at present co
with the Hudson River State Lunat
pital at Poughkeepsie, but before t
at the State Lunatic Asylum at
heard the question put to Dr. Parson
is no evidence in it to convince me
the immediate time of the homicide
in an epileptic condition; epilepties
conscious or unconscious; there is a
deterioration generally going on gr
and leading ultimately to entire fai
mind.

Dr. Meredith Clymer defined epile
nervous disorder characterized by
consciousness and convulsive moven
the muscles; there were three varieti
which he described at some lengt
their symptoms; irritability of temp
monly preceded or succeeded the fi
verseness, a tendency to explosive a
change of temper; one or more of th
common; a person might be subject
leptic attacks without being subject
leptic mania or insanity; epileptic m
simply mania arising in an epilep
may have his mind disordered with
ing maniacal.

Dr. Clymer further said that he sa
ing in the hypothetical question of t
trict Attorney that would make him
the accused was or was not epilepti
time of the shooting; he had no dat
by; there was nothing in the evide
would induce him to believe that he
an epileptic condition at the time; l
of cases when the patient's memo
clear as to the circumstances of his a

This concluded all the evidence
ease, and Mr. O'Conor commenced
dress to the jury for the defence.
conclusion of his eloquent appeal

is autioned the jury not to speak of
utter among themselves. He was in
ts to whether he should allow them
p ate; but counsel on both sides had
dice in their integrity, and would al-
hn now to separate. He hoped they
dnot read the papers, and said the
ld departed from the plain dictates
mon decency in commenting on this

e court then adjourned.

t opening of the Court, on Wednes-
m ning, the prisoner took his place
mpnied, as usual, by his mother and
iv, and District Attorney Phelps com-
ced his summing up for the common-
h All listened with the deepest at-
n o the speech of Mr. Phelps, the
er clear brows sometimes knitting
he with anxiety at his denunciation
r on and his argument to show pre-
tation. The prisoner sat all through
e h with his head bent earnestly for-
s eyes steadily turned on the
er nd his lips slightly apart. At the
ict Attorney's description of the scene
om of the Sturtevant House he
d quiringly towards the jurors, as if
it by his appealing look the mercy
e District Attorney was warning
a inst. At the conclusion of Mr.
ps' ldress, Mr. O'Conor requested the
t charge as follows:

at der the evidence the prisoner can-
be und guilty unless there was in his
a deliberate and premeditated pur-
to ll, not a mere intent.

at e law requires a deliberate deter-
tio to kill in cold blood, and not a
sud en passion.

at e facts do not show a deliberation
ent n.

at i the prisoner knew deceased to be
spe e man it militated against the
y o murder in the first degree.

at i he acted under terror he was not
y of urder in the second degree.

at i the jury were not satisfied that
eat occurred by a shot, of which the
ner as conscious, that they could not
ict I n of murder.

That if they found he was unconscious of any one shot there was no discriminating evidence to show which shot was the fatal one, and they must acquit.

That if at the time he was in a state of insanity, produced by epilepsy or mania or any other cause, he was not responsible.

That if at the time of the shooting he was in a state of overwhelming terror, in which neither he nor any other person could have exercised choice or will, then he must be acquitted.

The Court then ordered a recess of thirty-five minutes, after which the Judge, at about half past one o'clock, commenced his charge to the jury, concluding it at about half past four o'clock.

Judge Davis commenced his charge by describing the character of the indictment against the prisoner, which he said was for a crime long defined by statute, but on the 29th of May the Legislature passed a law altering in material aspects the definition of the crime. This was the first trial under the new law, and the Court had been called on to construe it. Prior to it it was well settled that where there was a killing with a well-defined intent to kill, though that intent arose at the instant of the act, the language of the old statute was:—"Such killing * * * shall be murder in the first degree * * * when perpetrated from a premeditated design to effect the death of the person killed, or of any human being." The new statute, materially different, reads, "when perpetrated from a deliberate and premeditated design," &c. The elementary books speak of intentional murder as deliberate murder and presumed from malice, deliberation and intention. But he thought the intention of the Legislature was not to go back to that view, but might be elucidated by the other provisions of the statute. It transferred what was before murder in the second degree into murder in the first degree, and created a new second degree of murder in the second degree, and the draughtsman seemed to have desired to intensify it in the separation of murder in the first degree. It is defined to be "when perpetrated intentionally, but

without deliberation or premeditation." Deliberation and premeditation were matters of fact to be decided by a jury and not by the Court; but in deciding on these facts the jury must use their knowledge of human nature in its varied aspects. In this case the people claimed that the state of facts complying with this statute existed. He should briefly review the facts alleged on either side.

It was claimed that motive, the impulsion to crime, was shown in this case, in that the father's violent and bad conduct towards the prisoner and all his family was so bad as to lead to the contemplation of a crime like this. If the jury could see that such a state of circumstances existed as that the idea of relieving himself by an act of crime was presented, the jury may find there was a motive. The prosecution claimed that through the bad conduct of the deceased, his persistent threats and letters, a state of mind arose in the prisoner looking to the relieving of himself by the death of the deceased, if no other means could be found. Such circumstances have a double aspect, and the people claimed that because this man had abandoned his claims as a father, and had heaped this violence and abuse on his wife and the prisoner, the jury might fairly infer a motive. They went further than that, and showed that subsequent to the offer of a visit to Europe he received the last letter from his father; that this letter presented an obstacle to his visit to Europe, and that he thereupon meditated some means to relieve himself and his mother from the monstrous attacks of his father. On Sunday it appeared he wrote to his uncle. This letter showed that he had accepted his uncle's offer, but then goes on to say his mother's position is not safe, as it is, and announces his intention to visit his father. From it might fairly be inferred that he had accepted the invitation and this letter had come as an obstacle; that he had been thinking over means to remove that obstacle and had resolved to see his father to see if that obstacle might not in some way be removed. So much was fairly inferable. Now, the people claimed that he rose next morning looking very pal to his friend, borrowed $15 and New York, and that he prepared by taking a loaded pistol. The clearly showed that he went fi father's house; that it was on gestion of the boarding house h wrote the note in evidence.

It was claimed by the prosecuti these were steps in a deliberat either to shoot his father or obta factory settlement of the family dif obtaining a promise not to annoy h or if that were not given then t him. It was claimed that this w out by the coolness of the prisone a full knowledge of the nature and its consequences in his send policeman and his statements t geant at the station-house. The read the testimony of the sergeant These declarations, coupled wit vious steps, were, it was claime which shed light on the intent prisoner as set out by the prose pecially when coupled with the g to his mother and family, the t dangers to his mother and hin posed by him to exist.

On the part of the defence it a that the sum he borrowed was n equal to his fare both ways and expenses; that he expressed to h and to Mr. Ainsdell, and in a e his mother, his expectation of r Tuesday; that he went to his h dence direct to make the conte rangement at once with him and same night to Saratoga, and th ledge of the consequences of th killing of his father was not at tent with such deliberation. It jury to decide which of the two were to believe. Nevertheless remember that it was unnatural such a purpose as the prosecutn nor were these declarations vol sistent with the alternative purp by the prosecution, and of whi hope to effect the milder alt Nevertheless, if there were an re

pon the question the prisoner was en-
d o it. The prosecution were bound
u e out the fact of deliberation and
n litation beyond reasonable doubt,
i hey were satisfied either of the posi-
i ent to kill or of the alternative reso-
n o kill if the father did not make a
s tory arrangement, the fact was made
w hin the definition of murder in the
gree.

h brought him to the consideration of
d in the second degree. This, under
s tute, was a killing with intention,
v thout deliberation or premeditation.
n t be a swift intent, formed on the
r f the moment. Formerly this was
r in the first degree. It required no
m litation at Saratoga, no deliberate
i out to kill the father, but merely that
h they met something sudden occur-
g his father's manner of action roused
a asty, sudden, instantaneous determi-
i to kill. Whatever the deceased's
e ance toward the world, his character,
s wn by the evidence before them,
a his wife and children was despicable
o l description. According to the
d ce, he said, for they could not have
c ased before them to explain the let-
s, if they were capable of explanation.
T public should be careful to remem-
, id Judge Davis, what they are very
n to forget, and it is what the general
p l are very apt to do, that in the eye of
l w all men, without respect to their
c ion of character, bad devices, or their
r or physical nature, are under the pro-
t n of the law. The same shield that is
e he bad is over you, and each of you;
n by your bedside at night and in all
d omestic relations; in those, too, who
j rest in their lives. The genius of the
v otects every person, however humble
n y be. It is a wild and foolish notion
a t man may be called to have his
w laid open to show up his character
d is pursuits in life, for the purpose of
a g a public sentiment that he was so
d man that he ought to die. I say that
is ild notion of justice has no approval
t administration of either truth or law.

It is proper and just for you to discard from the consideration of this case the notion that Walworth was not fit to live. The Judge who is to determine this does not sit in this Court nor in this jury box. He determines this question by that which you and I do not possess—an infinite knowledge and an omniscience that reads every soul and finds truth wherever it is. The law upon this subject has been well expressed by Chief Justice Davies. (This opinion was read by the judge.)

The evidence in the case for the defence might be specified as of a twofold character. First—That the prisoner at the time of the alleged crime was outside of the law, because he was insane. Second—That the act of shooting his father was prompted by self-defence. That, with the exception of the one just alluded to, as to the character of the father, which was no law, covered the points of the defence. Taking the second first:—As to self-defence, its right is a natural one and recognized by law within certain limits. This was claimed to be justifiable homicide under our statute. The statute recognizes excusable or justifiable homicide, four grades of manslaughter and two of murder. It does not recognize distinctly parricide or matricide. The crime is one likely to produce horror, but the law only recognizes it as homicide. The Judge then defined justifiable homicide, and said that threats against an absent person do not justify such homicide. The only ground on which the threat against his mother could have any weight was as they gave point to his fears for himself. He quoted the People vs. Shorter as laying down the true rule that the appearances must be of immediate attack, intended and imminent danger. It was for the jury to determine whether these facts existed. If they did the party was entitled to a verdict of acquittal. In this case they had really nothing as to the real transaction at the time of its occurrence but the statement of the prisoner read before the Coroner. That was this:—"I am guilty of no crime. My father treated my mother very cruelly, incensed against his father. * * * He wrote among other things, 'I

will defeat the damned scoundrel in his grave.' He had just before put his hand up to his breast as if to draw a pistol. I fired. * * * He closed rapidly on me, and had his grasp on me when I fired the last shot." This was his own statement, and they were to presume that it was as favorable to himself as the truth would permit. (The Court here repeated the incidents of the morning from the time the prisoner was waked to the time that deceased entered.) What occurred in there was not overheard. It was for the jury to fill up this bare skeleton. The evidence tended to show that no pistol was drawn. Nothing was found upon the deceased except a small bunch of keys. There was then no real danger, and nothing done to justify the drawing of a pistol. It was, however, for the jury to consider whether the father did anything to give the prisoner a right to say that the father was about to draw a pistol to shoot. The Judge then explained at length that the prisoner invited his father to meet him, and that that very much modified the expectation of danger. The jury had a just right to inquire whether there was strong and satisfactory evidence that the prisoner was placed in such a position as to take steps to justify death. But that is as far as the rule ought to go.

The letters might be devided into two series—the first of which were written in 1871, and they were addressed to the prisoner's mother. They were all written in the month of July, 1871. They all relate to matters relating to the execution of certain legal papers, although they were all vulgar, dirty things. The jury was to consider what was the purpose in writing them, and also the motives that actuated the use of threats. It was right to say that these threats were in violation of the law, and that the deceased could have been arrested and bound over to keep the peace. The matter complained of in the letters was ultimately settled, and the delay in settling was occasioned by the illness of the prisoner's mother. The next series of letters were in 1872 and contained similar threats. The effect of these letters was very much intensified by their coming before th in the shape of an avalanche. T point for the jury to consider wa effect these threats had upon the r the prisoner. That was the only p the jury to consider.

In relation to the degree of insanit it must be satisfactorily shown, ac to a recent decision of a higher Cou he had not the capacity to understa he was doing, and did not know w did it whether it was right or wrong Judge amplified on this point and th cluded by a recapitulation of th points of his charge, and directed t to retire to their room.

When the charge was conclud O'Conor presented a list of requ charge, which the Judge had passe and requested that they be now in in the charge. One was that the p tion must prove that of the four i shots fired, Walworth was killed first one fired, and not by the othe which might have been fired by ac but this the judge declined to do.

The jury then retired.

XI.

THE VERDICT.

THE jury retired to their room a thirty-five minutes past four o'clk Wednesday afternoon, July 2, 18 charge of two officials of the Cour Judge, lawyers, and officers of th generally, left the Court house, and ous speculations were indulged in spectators of the trial as to when t would return and what the verdict be.

At about a quarter past eight o Judge Davis came into Court. I behind him came the Sheriff's office to them the prisoner, his cheek blanched, but his head still erect; him the mother, on the arm of th Clarence A. Walworth, and followi

l Hardin and his mother and the re-
ig relatives. Little Tracy, the young
, threaded his way cheerily among
er humanity, clambered over his
's knee and took his seat beside

e the jurors dropped into their seats,
sistant District Attorneys Rollins
on appeared in their places. Mr.
came in and took position at his

y say you, gentlemen of the jury?"
r. Sparks, the Clerk of the Court,
ilence that was oppressive. "Have
ed upon a verdict?"
have," replied the faint voice of the
a

most intense suppression of breath-
noticeable throughout the court
. The prisoner's face blanched and
as white and as rigid as marble.
her put her hand to her breast and
er head intently towards the jury,
er her face, hope, fear, doubt and
chased one another in a rush of
motion.
emen of the jury," continued Mr.
s, "stand in your places."
y rose up.
ner stand up."
ng man rose instantly as erect as a
l turned his face rigidly towards
e men who held his life in their
s.
emen of the jury look upon the
Prisoner look upon the jury.
ou, gentlemen of the jury? Do
he prisoner, Frank H. Walworth,
not guilty of the crime charged
m?"
n—Guilty in the second degree.
Of what—of murder?
n—Yes.
How say you then? You find the
uilty of murder in the second de-
not guilty of murder in the first
e?
man nodded his head.
you, all of you?"
le twelve nodded their heads.
oner received the blow without a change of countenance, and when, at a nod from the Clerk, the jury sat down, he, too, resumed his seat and listlessly loosened his necktie. His mother turned toward him one look of affection, and as his wearied eye caught hers she turned the look into a smile, to which the prisoner wearily responded. The rest of the relatives sat around, undecided whether the verdict was a triumph or not, and little Tracy, the novelty of these strange proceedings being over, rested his head upon his brother's arm and gave way to sleep.

Mr. O'Conor, after a short consultation with Mrs. Walworth, asked that the sentence be deferred until counsel could file a bill of exceptions. Judge Davis, after some discussion, agreed to give him until Saturday, and adjourned the Court until that day. The prisoner was then taken into the anteroom, and soon afterward was returned to his cell in the Tombs.

XII.

THE SENTENCE.

Soon after the assembling of the Court, on Saturday morning, July 5, District Attorney Phelps slowly rose in his seat and addressed the Court as follows:

"The trial of Frank H. Walworth for the murder of Mansfield Tracy Walworth has terminated by a verdict by an impartial jury of murder in the second degree. It is my duty, and I now move that the Court pass sentence upon the prisoner in accordance with the verdict pronounced against him."

"Walworth, arise," said Mr. Sparks, the Clerk, as soon as the District Attorney had taken his seat.

Young Walworth did as bidden, looking Mr. Sparks steadily in the eye.

"What have you to say," continued Mr. Sparks, "why judgment of the Court should not now be pronounced against you according to law?"

Walworth brought his left hand, which had been hanging by his side, up to his

face, straightened himself back and moved slightly from his position. Not a word, however, came from his lips.

Judge Davis, as if in doubt whether the prisoner intended to say anything, waited fully half a minute, and then proceeded to pass sentence. At times his voice trembled, and once or twice it seemed as though his voice would choke in the depth of his emotion. He spoke as follows;—

"Walworth, I have never been called upon in my life to perform a more painful duty than the one which devolves upon me now. After the trial in which you have had the benefit of counsel not surpassed, if equalled, in ability and learning, and of a jury selected substantially by yourself, you have been convicted of the crime of murder in the second degree. The punishment of that crime is fixed by statute. No discretion is left to the Court. It is severe, but as the Court deems your case it is none too severe. It separates you from your friends and your family and consigns you for life to the State Prison, from which you probably can have no hope of escape unless, possibly, at some future day, through Executive clemency. The evidence in your case, in my judgment, fully justified the verdict which has been rendered against you, and I have fearful doubts that it would have justified a verdict of murder in the first degree, for I cannot conceive what motives you had in preparing yourself as you did with a pistol loaded, coming to New York, seeking an interview with your father, and almost immediately shooting him down, except upon the idea that you had deliberately determined that his life should be terminated by your hand. I hope, however, that the Searcher of all hearts can perceive from your conduct that you were not animated by that premeditation and deliberation which the statute now requires to constitute the crime in the first degree.

"The duty I am to perform is rendered doubly painful by the fact that you belong to a family honored and distinguished both in the civil and military annals of your country. Your grandfather on the one hand was, as has been truly said by your counsel, for a long time the chief equity this great State, and he left a purity and integrity and for all the virtues that advance and elevate ma to none who have adorned so high; And, on the other hand, a grand the mother's side fell nobly fightin country on the field of battle, a record of which all his decendant proud. It is with grief that I feel express my sorrow that the the n those great and distinguished should not have restrained you commission of such a crime as that you are convicted. Your poor mo indeed, great cause to regret her to the father whom you have sla also undoubtedly, had great cau not aggrieved merely, but asham dignant at the long course of ou ward her and toward his family; as he was, you were not to be th of these wrongs.

"He had done nothing to forfe even to the laws of his country, a all had he done anything to forfe at the hand of his own and When I look back at that moment constituted yourself his execut slew him in that room with no but yourself, I cannot but feel death must have been more horri thousand deaths in any other for by you to your presence, appare purposes of a peaceful intervie family difficulties; invited to a st room and apparently almost inst fronted with a weapon of death i son's hands, what thoughts must ed upon him at that moment found that the person whom he l ed had come to him for the pu peaceful arrangement—what thoughts must have rushed upon he received the leaden messenge in his bosom from the hands o boy? I shudder when I think o think you ought to devote your a repentance such as God only for so horrible a crime. The sen Court is that you be imprisoned

rison at Sing Sing, at hard labor, for the term of your natural life."

Throughout the delivery of the sentence the prisoner looked all the while steadily at the judge. Not a tremor of emotion did he evince from the beginning to the end. It was the same throughout the circle of his many attendants. There was no show of feeling on the part of any of them.

Everybody looked on astonished. The condemned young man after the sentence spoke to his mother, then shook hands with his counsel and some of his friends. Then an officer took him in charge, and conveyed him to his quarters in the Tombs.

XIII.

ON THE ROAD TO SING SING.

On Wednesday morning, July 9th, at about half-past nine o'clock, Deputy Sheriffs Shields, Cahil and Ridgway passed the entrance gate to the Tombs. In the lobby, outside the inner gate, were groups of ladies, who had evidently expected to find a ready admission within the walls. This little excitement was caused by the circumstance that a cluster of convicts were to leave the Tombs for the Sing Sing Prison. Shortly after the entrance of the Deputies a number of prisoners, who had been sentenced to Sing Sing for various terms, were handcuffed in a line. Their names, crimes, and sentences are as follows:

Thomas Friery, 20 years of age, convicted of burglary and sentenced to four years and six months' imprisonment.

William Jones, 15 years of age, burglary and escape from prison, four years and six months' imprisonment.

Patrick Halleck, burglary and assault, sentenced for five years' imprisonment.

Abraham Grenthal, for grand larceny, one and a half years' imprisonment.

Joseph Mullen, burglary, two years and five months' imprisonment.

Daneis Gillen, for murder; sentenced to imprisonment for life.

After the prisoners had been handcuffed in a continuous string, Mr. Shields proceeded to search them. Nothing was found in the pockets of any person except Grenthal. That gentleman had a six-bladed knife and a snuff box in his breeches pocket, which articles of virtu were taken by Mr. Shields. In his coat pockets were six French rolls, of which he was also dispossessed, the Sheriff saying that he would find plenty to eat in Sing Sing.

Meantime Walworth was lying in cell No. 7 enjoying the luxury of his last shave by an experienced barber. He was dressed in a light suit throughout, the clothes being the same which he wore from Saratoga when he came on the fatal journey which ended in the death of his father. As he lay on the bed he smiled sweetly as of old, and seemed to have no fear of the life into which he was about to enter.

Just as the barber finished his manipulations, Mrs. Chancellor Walworth, the grandmother of the prisoner, arrived, accompanied by a colored maid servant. Walworth kissed his grandmother, and shook hands cordially with the maid. The two women entered his cell, and an animated conversation ensued. Shortly afterward Mrs. Mansfield Tracy Walworth and her younger son arrived. They, too, entered the cell of the parricide.

At twenty minutes to ten Sheriff Brennan and Mr. Judson Jarvis entered the condemned tier. Then it was announced to Walworth that the time for departure had come. He kissed his mother and grandmother, and stepped quickly from his cell. That which was particularly noticeable was that there were no indications of a scene on the part of Frank Walworth, his mother and grandmother. If there was any feeling it was suppressed; the tears and the grief-marked countenance were wanting, and the parting showed no more signs of sorrow than if it was of a pleasant description and only for a time.

An opening had been reserved for him between Gillen and Jones, the first of whom ended the line on the left. He saw the opening and took his position with-

out waiting for any direction from the keepers. His mother followed him from the cell and stood in front of him. As the handcuffs were being adjusted to his wrists Deputy Sheriff Shields passed his hands around his clothing to see that he carried nothing away with him that was forbidden by the law. His lips quivered and he evinced the first sign of emotion. The bracelet was adjusted to his left hand, locking him to Gillen. He was still trembling. Then he looked up and met his mother's eye. A smile was on her face, and it called forth a response from Walworth. From that moment he gave no evidence of any emotion whatever. He was the same cool, collected man of the world that he had been ever since his arrest. The smile upon his face and his apparent indifference to his fate was the same kind of defiant bravado of law that characterized the unquestionably more hardened criminals, whose way of life had been from their childhood, almost, in the paths of crime.

As the prisoners were about being conducted to the prison wall an elegant basket of flowers was taken to Walworth. The colors were variegated, but the groundwork was white, and the monogram F. W. was beautifully worked in red in the groundwork. To the basket was attached a card which read:

"Mr. F. H. Walworth,
with regards and sympathy,
Yours, E. W."

The card was taken by Frank, and Mrs. Walworth took charge of the flowers.

The prisoners were then marched from the Tombs to the prison van, by which they were taken to the Forty-second street depot. Walworth had a pocket full of segars, and he gave one to each of his seven companions. Thus, as he afterward said to a reporter, "the smoke neutralized the bad odor of the prison van, and the prisoners reached the depot in comparative comfort and safety."

All the ladies and officials immediately left the Tombs, taking their last farewell look as Walworth stepped into the van. Mrs. Walworth, as soon as the van started from the prison, took a Fourth avenu for the depot. She arrived there b her son, carrying the basket of flowers purchasing a ticket for Sing Sing, took seat in an ordinary first-class car.

The string of prisoners, as soon as arrived, were conducted to the smoking where they were accommodated with seats. It was soon noised about the d that Frank Walworth was on the 10:40 for Sing Sing. The result was that other car was emptied, and the passe flocked to the smoking car to have a loo the lion of the hour. The car was f packed, and for a time breathing wa most impossible. To a reporter, wh companied the party to Sing Sing, and sat immediately behind Walworth, th ter said it was amusing to see the an on the part of the crowd to see a man had been victimized.

"It don't seem to annoy you much, Walworth," said the reporter.

"No," he replied, "I hope we shal the car cleared of the crowd soon, and shall get some fresh air. It is the wa that I have felt the most."

"The Tombs is a long way from l healthy; and I thought this morning, went in from the fresh air of the stre could snuff the mouldy dampness of t walls."

"I don't suppose," replied Walw "that it is the unhealthiness of the To though it is not a very healthy place, lieve; but I have lost fourteen pou weight since I went in there. I had accustomed to a good deal of outdoor e cise, boating and similar occupations, was in excellent health."

"You were well treated in the To had not much to complain of, had you?

"No, I was well treated. I found Warden very fair and considerate. course, it was not like being outside. are a prisoner, and it is just as well member that and make up your min it."

Did you mix with the other pris much, so as to know anything of th their characteristics?"

es, I found those whom I got very in-
a with very decent sort of fellows. I
there is a great deal more good in
n als than people generally suppose.
its my conviction after a short experi-
e Of course, a fellow feeling makes us
d but, even allowing for that, I think
re a love of fair play and a general de-
be sociable on the part of the men
n't help to make one feel very kindly
a s them.

t ngth the train moved from the depot,
t suffocating crowd dispersed. Many
e ntributions from other trains, and
n he whistle which announced the de-
u sounded, went out of the car. An
ar sense of relief came over the occu-
s f the car. Mr. Judson Jarvis said,
e vill have a little air now, at all
nts'

uttill, although the car was vacated,
st t along the road was lined. "There
is," "That's Walworth!" was heard on
h des of the train. The only effect
n te parricide was to make him smile
he riosity of the crowd.

e ar reached Harlem. As the train
ere a large crowd was seen on the
ge Walworth said:

"There must be a race there, to draw
crowd."

"Are you fond of rowing?" asked the
rte

"I was fond of all athletic sports," was
ans er, "but base ball is my specialty.
ve id more experience in that than in
thi else. I have been banged about
hu generally in that. In boating I
sa ng, and I think I can manage a
boa as well as the best of them. I have
a bi ght up to exercise myself in every
po ble, and I believe that is the way
rin a man up."

he andcuffs on Walworth's hands
ned o trouble him exceedingly, but
n th reporter spoke of them he said,
smi ng:

"Th are the first cuffs I ever had on
per iration did not affect the starch
hem

This was overheard and a general laugh followed.

At this point a letter was handed him by the conductor from his mother. It was a short note of about ten lines. He read it, smiled, and said:

"I have a good mother, and I would die for her if necessary."

The inevitable nuisance of railway trains —the prize candy boy—came along. He left a package in every seat except the seats of the convicts, and as he passed Walworth and Gillen, who were sitting together, the former said:—

"I never realized the advantage of handcuffs before. I have often wondered if I could go in a train without being bored by these candy boys. I have done it this time, but I assure you it is the first."

Walworth was seated on the right side of the car, and consequently lost the view of the Hudson. Speaking of this, he said:

"I have seen the Hudson often enough, and am going where I shall probably see more of it than I wish. It is a beautiful river; and, speaking of the Hudson, do you see that I have the same clothes on that I wore when I came from Saratoga, the last time I traveled on this road? Then I came down in a palace car; now I go up in a smoking car to State Prison. But, after all, what does it matter? I have done what I deemed to be my duty. If I have erred, it has been an error of judgment, not of the heart. I thought I was doing right in protecting my mother, and I think so now."

A gentleman who wore blue glasses passed. He stopped for fully two minutes and gazed at Walworth. Frank said:

"I will bet that man will come back again to look at the menagerie."

He was right. The man did return, and stood at least two minutes more. Then he went away, and Walworth, with a half sigh, leaned his head against the window, and said no more for half an hour.

At length at Tarrytown he roused himself and said: "This wind is nice. Do you know I like the trees and all things green. We are getting among them now, and the only consolation I have, except that of hav-

ing done my duty, is that I shall have plenty of green things and the dear old Hudson to look at in Sing Sing. You may think that I am going to give way when I get there. You will find yourself mistaken. I am happy wherever I am—that is, so far as circumstances will permit."

Gillen, to whom Walworth was attached by the handcuffs, is under sentence for life for the murder of his wife. They had quarrelled and she had left him. He met her one day on the street, and inflicted a number of stabs upon her from which she almost instantly died. He plead guilty to murder in the second degree, under the new law, and sentence for life was passed upon him. On his way to Sing Sing he said that he never intended to kill his wife; that on the morning after the murder he realized what he had done. He had been drinking for some days before, induced thereto by his wife's infidelities. He attributed his wife going astray from the paths of virtue to the miserable salary she received as a milliner in a dry goods store, and said there were thousands of work girls who did the same. He manfully acknowledged his guilt; said that he had made the suggestion to his counsel that he should plead guilty to the murder of second degree, and he was quite prepared and willing to take the consequences of that plea. In his straightforwardness, his lack of flippancy and his respect for law he contrasted very favorably with Walworth.

At length Sing Sing was reached. At the depot there was considerable excitement on the arrival of the train. There was a crowd at the station, and it was increasing in numbers. Walworth looked at the gloomy walls of the prison with a sober, but not sad gaze. He said:

"Yonder is my home. I only hope I shall be able to get a swim there once in a while."

When the train had been stopped, Deputy Sheriff Shields said: "Boys, we will last drink before you go from your li

The men, handcuffed together, wer to Daly's Phœnix Hotel, where th their last drink, previous to entering their weary and long imprisonment. got through, deputy sheriffs, prisone a few friends walked down the r track to the prison. In the privat of the Warden was Mrs. Walworth, for her son. Frank was allowed t the rest of the convicts to greet her, spent a few moments in conversatio her while the other prisoners were the usual particulars respecting the at the desk. Finally his turn came, left his mother to answer the clerk tions, which he did, somewhat in a and joking manner. The parting mother and son was characteristic. were no signs of grief; there was and tender farewell. There was the and most well-bred kiss, a single the hand, and Frank joined the group.

Accompanied by the Doctor, t convicts were taken to the dressin There they threw every article of d had on into a basket, which was the centre of the group, and the the "striped suit," which is the wear of convicted prisoners. Wle was going on Walworth was as g of the crowd, and seemed rather the novelty of the thing. By and the dressing room with the rest, them having a towel and comb in and each of them went to their cells. His cell is No. 57, on t tier. He is to go into the shoe sh to learn enough of the trade to become chief clerk in the stock de where it is supposed that his educ admirably qualify him for so imp trust.

SKETCH OF M. T. WALWORTH

Mansfield Tracy Walworth was born e 3, 1830, being the son of Reuben d Walworth, who was for twenty years e hief Judge of the Court of Chancery t State of New York.

C ncellor Walworth lived for many years d to the time of his death at the residence on as the "Walworth Mansion," at Sara- g springs. The mansion is situated on ro way, in that village, about a mile from e incipal hotels. It is a plain, unpretend- g d building, almost hidden from pub- c aze by magnificent elm trees, and sses nothing attractive in appearance. he hancellor acquired the reputation of a an f high honor and integrity in public fe, ut he is said to have ruled his house- l with a rod of iron. He was a strict res yterian, and in the gloomy family m the Puritanical ideas which found w in the days of our grandfathers were ri y enforced. The two sons of the ha ellor, the deceased and an elder ro er, who is now a Catholic priest in lb y, spent their childhood in this lo y old house and under this Puritani- al le. Boys who are brought up in this sh n generally become one of two things. he develop into sneaks and hypocrites, r h into the opposite extreme, and by a fe f reckless depravity and unbridled nj nent vainly imagine that they are sse ing their manhood.

Y ng Mansfield entered Union College t t age of sixteen, and graduated two ea after, an exceptionally early age for a oll e course. It was while at college that he il effects of the training which he had ce ed through mistaken zeal began to ho themselves. The boy, who when at home ras fraid to call his soul his own, became he stest young man in college, develop- ng alities which eventually came to be he ne of his life.

W ile at college his father married again, is cond wife being the widow of Colonel John Hardin, of Kentucky, a gallant officer, who met his death at the battle of Buena Vista, in Mexico. Colonel Hardin was one of the best known men in the State of Kentucky and wielded a powerful influence. Miss Nellie Hardin, his daughter, was looked upon as an extremely beautiful girl, so that she was toasted as the belle of her native State. After the death of the Colonel, his widow having some legal business in connection with her estate to transact, by the advice of friends, had recourse to the advice of Chancellor Walworth. The Chancellor solved the difficulty by marrying the widow and making the ease his own, and in an evil hour Miss Nellie Hardin became an inmate of the same house Mansfield Walworth.

After the marriage of the Chancellor Mansfield returned from college and took up his residence with his father. He was young and handsome. Miss Hardin was surpassingly beautiful, and the Chancellor thought it would be a happy idea to arrange a match. It does not appear that there was any strong love between the young people, but they were married and continued to reside in Saratoga. Mutual friends who knew the character of the bridegroom shook their heads when the marriage was consummated, and although they hoped for the best, they feared the worst. The husband and his wife were, therefore, step-brother and sister prior to their marriage, and the acquaintance leading to the union was formed in the home circle during the life of the Chancellor, when his son and step-daughter were but children mutually dependent on his fatherly care and support.

Chancellor Walworth had set his heart upon bringing up his son in the profession of the law, and after three years' study at Cambridge law school Mansfield was admitted to practice at the bar of New York State, and was subsequently admitted to practice in the Courts of the United States.

The famous patent suit between Erastus Corning of Albany and Henry Burden of Troy, popularly kuown as "The Spike Case," and involving a claim of $1,200,000, was referred at this time to Chancellor Walworth for decision. His son, Mansfield, was appointed the clerk of this memorable reference, at a salary of $5,000 per aunum, and for a number of years was constantly occupied in recording the testimouy taken and preparing it for the press. The priuted evidence finally made a number of voluines large cnough to constitute a law library. His labors in this suit, however, did not prevent him from indulging in literary pursuits, and while he discharged his duties in the case he also produced a number of sketches and several continuous stories.

About the time of the opening of the war with the South, the great suit in which he had been clerk of reference so long abruptly terminated. He had held the position for about fifteen years. Through the influence of his father he was then appointed to a position in the State Department in Washington, which he held for some time. Here he went daily to his work, and was known as a sober and industrious gentleman. Suddeuly, it is alleged, the proofs were found that he had been for some time using the means his position in the State Department furnished him with to give secret information to the Confederate authorities of what was going on in the North. He was arrested and thrown into the Old Capitol Prison, froin whence he was released as a prisoner on parole and sent to Saratoga, where his father had to send a written report of his presence to the War Department every day. When the war ended he was released as a prisoner and permitted to wauder wherever he pleased.

Some years ago, he, with his wife, joined the Roman Catholic Church, but subsequently he appeared to have thrown off the restraints of religion altogether, and so far as the Catholic faith was concerued, had written against it.

Apparently few of those with whom M. T. Walworth had any association knew of the family troubles which finally culminated in his murder. Even to his most mate friends he was very reticient abo domestic troubles, and few of his acq anees knew of the existence of a skelet the closet. The general testimony is outside of his family his deportment that of a polished gentleman, while a ber of incidents are given indicative milduess of disposition and goodne feeling wholly at variance with the co ascribed to him as a husband aud fathe

His appearauce was quite preposses and he was considerable of a favorit some circles in New York and other c He was fastidious and proud of his some person and fond of exhibiting hi in the streets of our large cities. Wh best work—"Warwick; or, the Lost tionalities of America"—appeared it ed a great sensation, and its author eagerly sought after and his society co in fashionable places. One of his c speaks of "Warwick" as the finest cre of his brain, and as displaying his pe qualities in a marked degree, and ad "He had not what could be called a mind, but he had a remarkably clea brilliant one, and if he had lived he w doubtless, have attained a cousiderabl nence in the ranks of literature. Wi a hundreth part of the genius of Byr possessed in a marked degree many latter's characteristics. Like the great he was haunted by a morbid egotism was fond of parading himself aud his bles in almost every work he gave t world. Like Byron, he was unhappy marriage relations, and this domestic licity proved to be the baue and curse life."

He was a member of the New York His torical Society and was a frequent visi their halls on Secoud avenue. Alth some years ago, he gave promise of a ing a high position as an orator, abaudoned the idea and contented hi with writing addresses, which has frequently delivered before literary c ties.

The following extracts from a l written about a week after the murd

us Walters, who had been on terms
maey with Mr. Walworth, fully ex-
hat he was eapable of inspiring in
very marked feelings of friendship:
ne five years ago I went to Saratoga as
aper eorrespondent, and arrived in
ith of August, at whieh time that
eentre of frivolity and extravaganee
with adventurers and ultra-fashion-
m all quarters of the globe. In the
a Babel of exeitement—daneing,
, promenading, flirting, &e.—
h's novel, entiled 'Warwiek'
onstrueetd with unique and startling
y) sueeeeded in riveting the atten-
ll elasses—not only the highly eul-
but even the most listless and un-
—so that parlor, piazza, bedroom
gress Park were alike notieeable as
or the 'Warwiek' readers. As a
nee, there was a vast deal of eom-
regard to the author, and he was
y pointed out as one of the lions of
gs. In faet, like another Byron,
e one morning and found himself
This was undoubtedly the happi-
l of poor Walworth's eheckered
areer. He was frequently alluded
n exeeedingly gifted, modest and
* * * In beeoming aequainted
ral resident families, I notieed, as
at Walworth's most severe and
erities were the people of his own
As an instanee of the eompeteney
nsors, one young lady, after a very
s and severe onslaught upon the
edly inquired of me who Humboldt
er reading the book I immediately
ndly notiee of it. This soon after
Ir. Walworth's attention, and he
n me at the Ameriean Hotel.
remember to have eneountered a
eable, honest-looking and unas-
an. He was nearly six feet in
lendidly proportioned, dressed
ulous neatness, and looked you
the eye when speaking. His
l in short erisp loeks under a
t, and a pair of bright and manly
sparkled with intelligence and
ship. His nose was well formed,
mouth effeminately small, faee elean
shaved, with the exception of a delieate
brown mustaehe. There was a peeuliar
look about his eomplexion, however, whieh
led me to imagine, with many others, that
he had onee been greatly dissipated. This,
I have sinee learned, was an inherited
peeuliarity of the skin. His ehest was broad
and prominent, and he bore himself as
straight as a pine. After remarking that I
was glad to beeome aequainted with the
ereator of Constant Earle (one of the char-
aeters in 'Warwiek,') he replied that he felt
indebted to me for the friendly notiee I had
written, and laughingly added that some of
the newspapers bad slashed him without
merey—many editors having literally fallen
upon him tooth and nail. On the other hand,
a number of Southern organs had spoken
of him as giving promise of greater things
than any other living Ameriean writer. He
said he was not diseouraged, however, and
that he had already begun arranging the
plot of a Persian novel. I then remarked
that the astounding deseent of his hero into
the 'bottomless pit' of the Mammoth Cave
strongly reminded me of some of Edgar
Poe's weird narratives. He replied that if
he thought he could ever write anything
worthy to be compared with Poe he should
eonsider he had attained sufficient glory for
any man. At parting he invited me to eall
at his house, and subsequently I beeame in-
timate with the whole family. Many of the
evenings spent at the old homestead are
among the pleasantest of my reeollections.
Often of a warm afternoon we all reelined
upon the sward beneath the shade of the
huge whispering pines in the rear of the
house, and diseussed literature, philosophy
and religion, the little girls and boys often-
times apparently as mueh interested as our-
selves. Indeed, I never in my life beheld a
pleasanter family group than the Walworths
then presented. I remember, among other
things, Mrs. Walworth's laughing aeeount
of how her husband onee roused her in the
middle of the night, and told her he had
solved the problem how to save his hero
from falling into the 'bottomless pit' after
he got to the end of the rope. * * *

"Mr. Walworth became one of my warmest friends, subsequently introducing me to the Albany editors and writing notices of me himself. Indeed, I was so surprised at finding so much gratefulness in an author (a thing which I have not found of every day occurrence) that I at once expressed my surprise for the warm personal interest he exhibited. To which he laughingly replied, "Well, I have a considerable amount of the Indian in my disposition—I never forget either an enemy or a friend."

But a few letters of the deceased novelist, beyond those presented in Court, have come to light since his death. These indicate great literary industry, much paternal reverence, and an honorable ambition to become a writer deserving of applause and remembrance. In one of these letters, written from Albany in 1869, to Mr. Morris Phillips, of the *Home Journal*, New York, he says:

"I am working very hard—harder than ever before in my life. In ten months I have written and prepared for publication over two thousand pages of foolscap, besides writing several hundred letters on biographical inquiries, and this in addition to almost daily study of printed authorities and ancient newspapers. My dear friend, don't you hope that I will succeed? I am very ambitious of literary fame, and desire most earnestly that it shall be of that nature that will benefit rather than injure the souls of readers. There is something in my organization that will not permit me to seek fame through the medium of the prurient issues of the press, so popular here and in England. In the book which I have dedicated to you can be found, I believe, no suggestion of evil to send the blush to the purest and sweetest cheek in Christendom."

In another he writes:

"The Boston *Transcript* economically grouped 'Warwick,' 'Hilt to Hilt,' and 'Cloud on the Heart,' and noticed all three favorably in a fifteen line notice. This was very funny. I think it will soon condense the Lord's Prayer, Ten Commandments, and the Creed into four lines, and say them before going to bed, to save time, for time is money these days. It spoke well of three books, so we must not complain.

Another letter reads as follows:

My Dear Phillips:—

I have been studying in my mind h show you some permanent token of gard for your efficient friendship in ba thus for 'Warwick.' I have at last hit something which I think will gratif and at the same time be a memorial, a a higher order of intellects than thos read novels, of my regard and grat The life of my first Chancellor (Living by the approbation of his niece, Mrs liam B. Astor, is to be dedicated t The life of my last Chancellor, whose fame is well known among the Ch jurists of England, and which life s the fullest and ablest my pen can tra life of Chancellor Walworth, will b cated to my friend Morris Phillips, every public library of this land and land a memorial of my affection may when I am gone. God bless you. friend, M. T. Walwo

In another he says:

"My father was Grand Master of in this State, being elected Grand M June, 1853, and a most zealous Ma was too. I am collecting all his history to insert in his life, as I am Chancellor Livingston's Masonic hist was also Grand Master of this State. cellor Walworth was also a membe "Ineffable and Sublime Grand L Perfection." I have myself been i in three degrees of Masonry, and an quently a Master Mason, and all of er's superb suits of Masonic regalia len to me. Three of my Chanc Walworth, Livingston and Lansin Masons, and I shall insert in their Masonic incidents I can collect."

It is a singular coincidence, w been taken as an evidence that he h monition of what was finally to be that in the closing chapters of his erary effort, "Married in Mask," h esies his own end and foreshadows "taking off" would be sudden an The circumstance is remarkable, indicating, as it does, that he had his life, which were, unhappily, grounded.

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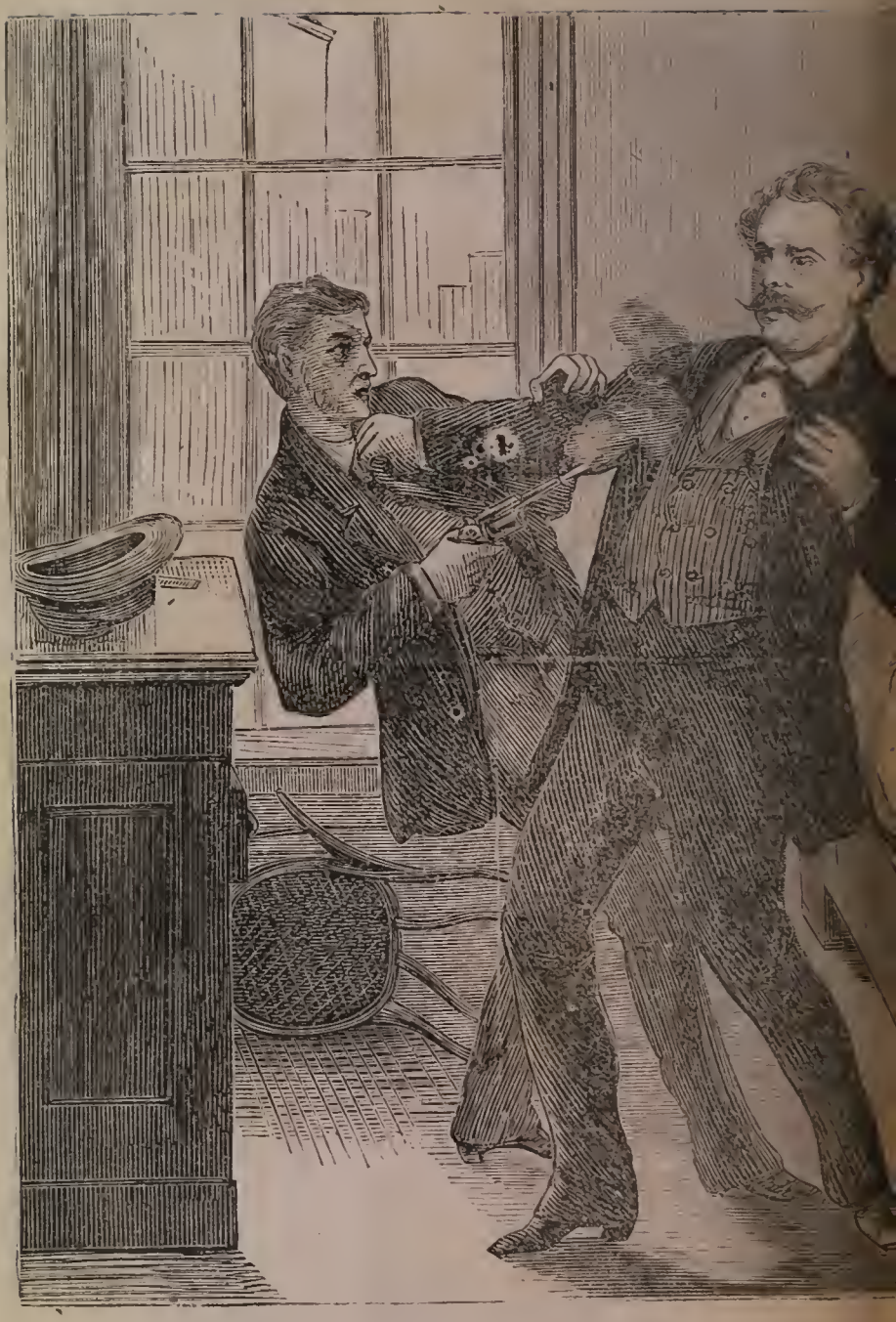

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